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Docket Nos. 50-390, 50-391, 70-2910, 70-2928
License Nos. CPPR-91, CPPR-92, SNM-1861, SNM-1873

Tennessee Valley Authority
ATTN: Dr. Mark O. Medford
Vice President, Technical
Support
3B Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Gentlemen:

SUBJECT: NRC INSPECTION REPORT NOS. 50-390/93-55, 50-391/93-55,
70-2910/93-01, AND 70-2928/93-01

Thank you for your response of October 12, 1993, to our Notice of Violation, issued on September 9, 1993, concerning activities conducted at your Watts Bar facility. We have evaluated your response and found that it meets the requirements of 10 CFR 2.201.

From our review of the subject response, we identified several issues which required further clarification to evaluate the adequacy of the corrective actions. The violation was issued for failure to maintain Certificate of Compliance (CoC) referenced documentation required for preparing shipping packages for consignments of new fuel (fissile material) returned to a fabrication facility. Specifically, the violation identified the lack of specific supplements and drawings referenced in the applicable CoC. Your response noted that use of field specifications for shipping new fuel is, and has been consistent with industry practice. Both NRC Region II and cognizant Nuclear Material Safety Safeguards/Transportation Branch (NMSS/IMTB) personnel who reviewed your response agree that this practice can be acceptable; but only when the field procedures are used to supplement the CoC referenced documentation. All documentation referenced by the CoC must be maintained by the licensee to meet the requirements of 10 CFR 71.12. Further, the response indicated that the container vendor did not consider that their correspondence with the NRC was needed by container users; and thus was not provided to TVA along with the field specifications. The applicable regulation stresses that 10 CFR 71.12(c) allows the issuance of a general license to any licensee of the Commission who has a copy of the CoC and who complies with the terms and conditions of the certificate. We must emphasize that the licensee, and not the vendor, has the responsibility to verify that the general license requirements are met. Finally, your cover letter to the response states that no commitments were contained in the submittal. Notwithstanding the statement in your letter that your submittal contains no commitments, we expect that you will take effective corrective action for the violation consistent with that described in the enclosure to your letter of October 12, 1993.

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During a telephone conversation on October 27, 1993, between Mr. W. Cline of my staff and Mr. A. Johnson of your staff, these concerns were discussed in detail. As a result of those discussions, Mr. Johnson agreed to provide a supplemental response to this office within 30 days of the date of this letter.

If your understanding of this matter differs from the actions outlined above, please inform Mr. W. E. Cline of my staff at (404) 331-0346. We will examine your corrective actions during a future inspection. Your cooperation in this matter is appreciated.

The response directed by this letter is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

We appreciate your cooperation in this matter.

Sincerely,

J. Philip Stohr, Director
Division of Radiation Safety
and Safeguards

cc: W. H. Kenney, Director
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3

(cc: cont'd)
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4

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RII:DRSS

GKuzo
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RII:DRSS

TDecker
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RII:DRSS

WClone
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RII:DRP

for Fredrickson
10/29/93

RII:DRSS

BMA Tett
10/27/93



Tennessee Valley Authority, Post Office Box 2000, Spring City, Tennessee 37381

William J. Museler
Site Vice President
Watts Bar Nuclear Plant

OCT 12 1993

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

In the Matter of the Application of)	Docket Nos. 50-390
Tennessee Valley Authority)	50-391

WATTS BAR NUCLEAR PLANT (WBN) - RESPONSE TO VIOLATION - NRC INSPECTION REPORT
NOS. 50-390, 391/93-55 AND 70-2910, 2928/93-01, DATED SEPTEMBER 9, 1993

The purpose of this letter is to respond to Notice of Violation No. 70-2910, 2928/93-01-01 contained in the subject inspection report. The violation concerned the unavailability of some documentation denoted in a Certificate of Compliance for the shipping packages used to ship unirradiated fuel.

The response to the violation is provided in the Enclosure. There are no commitments contained in this submittal. If you have any questions, please telephone Mr. P. L. Pace at (615) 365-1824.

Very truly yours,

William J. Museler

Enclosure

cc: See page 2

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U.S. Nuclear Regulatory Commission
Page 2

OCT 12 1993

cc (Enclosure):

NRC Resident Inspector
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ENCLOSURE 1
WATTS BAR NUCLEAR PLANT
REPLY TO NRC's SEPTEMBER 9, 1993, LETTER TO TVA
NOTICE OF VIOLATION 70-2910, 2928/93-01-01

Violation 70-2910, 2928/93-01-01

10 CFR 71.12(c) allows, in part, a general license to be issued to any licensee of the Commission to deliver to a carrier, licensed material in a package for which the certificate of compliance (CoC) has been issued by the NRC. The general license applies only to a licensee who (1) has a copy of the specific license certificate of compliance and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment and (2) complies with the terms and conditions of the certificate.

Section 4 of Certificate of Compliance No. 5450, Revision (Rev.) 30, dated September 25, 1991, for package Identification Number USA/5450/AF, lists conditional requirements for use of the certificate including detailed actions associated with specific drawings, and vendor procedure supplements dated June 20, September 16, and September 19, 1991.

Contrary to the above, from approximately October 1991 through April 1993, the licensee made 23 shipments of fissile material using USA/5450/AF packaging without maintaining the required documentation and without verifying the accuracy of the vendor operating procedures used to meet the referenced CoC conditional requirements.

Reason for Violation

The violation resulted from a misinterpretation of the requirements delineated in 10CFR71.12. The specific documentation denoted in Certificate of Compliance (CoC) No. 5450 Revision 30 was general information provided to NRC by the container vendor. This information was provided to describe the important features associated with the use and maintenance of the container. The information was not intended to be used by authorized users of the container.

Rather, the container vendor maintains implementing procedures, "field specifications," which they provide to container users. The field specifications are written to provide detailed implementing instructions relating to the procedures and drawings which provide the basis for the CoC. The field specifications encompass the requirements delineated or referenced in the CoC relating to the use and maintenance of the container.

TVA's use of the field specifications for shipping new fuel in containers is and has been consistent with industry practice. Since the field specifications are the documents provided by the container vendor and encompass the requirements delineated or referenced in the CoC, TVA concluded that 10CFR71.12 was being met. Also, the container vendor did not consider that their correspondence with NRC was needed by container users; therefore, this correspondence was not provided to TVA along with the field specifications. The field specifications are still the primary documents used for ensuring safe handling and shipping of new fuel.

ENCLOSURE 1
WATTS BAR NUCLEAR PLANT
REPLY TO NRC's SEPTEMBER 9, 1993, LETTER TO TVA
NOTICE OF VIOLATION 70-2910, 2928/93-01-01

Corrective Steps Taken and Results Achieved

TVA obtained the drawings and letters referenced in Certificate of Compliance No. 5450, Revision 30. A copy of the references are being maintained at WBN. As a result, TVA is in compliance with 10CFR71.12(c) for the use and maintenance of container 5450 at WBN. No other type containers have been used at WBN. A review of the referenced letters and drawings showed that applicable information had been previously incorporated into the field specifications by the container vendor.

Corrective Steps Taken to Avoid Further Violations

WBN Radiological Control Instruction (RCI)-105 was revised to require possession of applicable CoC referenced documentation before a container is used at WBN. In addition, the vendor for container 5450 has committed to provide any documents referenced in future revisions to the CoC to ensure that TVA has access to these documents.

In order to determine the extent of condition for this issue at other TVA facilities, a corporate Problem Evaluation Report (PER) was written. Appropriate corrective actions, if necessary, are being developed in accordance with the TVA corrective action program to assure that the documentation denoted in a shipping container CoC is available prior to the container being used by TVA.

Date When Full Compliance Will Be Achieved

The drawings and letters referenced in CoC 5450 have been received from the container vendor, and full compliance with 10CFR71.12(c) was achieved on August 18, 1993, for container 5450.