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JUN 10 1994

Docket Nos. 50-390, 50-391
License Nos. CPPR-91, CPPR-92

Tennessee Valley Authority
ATTN: Mr. Oliver D. Kingsley, Jr.
President, TVA Nuclear and
Chief Nuclear Officer
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Gentlemen:

SUBJECT: NRC INSPECTION REPORT NOS. 50-390/94-13 AND 50-391/94-13

Thank you for your response of May 13, 1994, to our Notice of Violation issued on March 30, 1994, concerning activities at your Watts Bar facility. We have evaluated your response to Examples 1, 2, and 3 of Violation A and found that they meet the requirements of 10 CFR 2.201. We will examine the implementation of your corrective actions during future inspections. With respect to Example 1 of Violation B, we concur in your position with respect to the intent of the corrective action for PER WBP930415. As such, we are withdrawing this Example of Violation B. However, our review determined that your responses to Example 4 of Violation A and Examples 2 and 3 of Violation B were unacceptable.

The justification for your denial of Examples 2 and 3 of Violation B appears to be based, in part, on the conclusion that no violation related to corrective action occurred because adverse conditions, requiring corrective action, did not exist. Your premise that the identified discrepancies were not adverse conditions was that, based on engineering judgement, these installation errors and the violations of procedures had no adverse effect on hardware configuration.

We do not agree. When there is a difference between the design and the installation, this is a discrepant condition. The fact that engineering later dispositioned the discrepant condition with a finding of "accept-as-is" does not mean that the discrepant condition did not exist. The "accept-as-is" disposition is merely one form of corrective action.

Your response also referred to the progress TVA had made in the last four years in assuring that WBN platforms were structurally adequate and characterized the identified discrepancies as being "within reasonable accuracy" and as "minor discrepancies." The TVA Nuclear Quality Assurance Plan (NQAP) and Site Standard Practice SSP-3.04, Corrective Action Program, include deviations and hardware problems involving noncompliance with drawings in the definition of an adverse condition. Your response did not deny that adverse conditions (e.g., installations not meeting drawing requirements) were

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identified by TVA during walkdown verification activities and subsequently by the NRC.

Failure to follow procedures and instructions are also conditions adverse to quality as specifically defined in the TVA NQAP and in SSP-3.04. Your response did not deny that instances of failure to follow civil/structural walkdown procedures were identified by TVA and the NRC. We note that TVA's procedures provide for dispositioning conditions as "accept-as-is" when TVA determines that issued nonconformances are minor or nonsignificant. By failing to document these adverse conditions and implement the TVA corrective action program for disposition of the conditions, we believe that TVA has failed to take effective corrective action.

As outlined in Enclosure 3 of your response, a TVA QA assessment of the WBN corrective action program, conducted after the NRC identified these problems, identified significant deficiencies related to root cause analysis, extent of condition, recurrence controls, and trending. In the description of these adverse conditions in Significant Corrective Action Report (SCAR) WBSCA940033, TVA appeared to rationalize repeated failures to follow procedures with the judgement that none of the deficiencies "would have any impact on installed plant equipment, its function, or design." The actions documented for this SCAR treat only the symptoms of these conditions and fail to address the underlying root cause of the problem.

For the reasons detailed above, we also do not consider your corrective actions and actions to prevent recurrence for Example 4 of Violation A to be adequate.

Please provide a supplemental response that describes the TVA position regarding the documentation and disposition of non-hardware adverse conditions and TVA's conclusion that adverse conditions do not exist if discrepancies are "minor" and no hardware modifications are required. Please include in your response references to the elements of your approved Nuclear Quality Assurance Plan that support your position. The NRC does not take issue with the significance of the conditions, but we have concluded, as discussed in the violation, that the conditions described in IR 50-390, 391/94-13 met the criteria of nonconforming conditions. TVA procedures define the criteria for issuance and disposition of nonconformance reports. Your response should address procedure compliance and whether nonconformance reports were or were not procedurally required to be issued. Your response should deal with the significance of the failure to follow procedures, regardless of the ultimate hardware or design significance of the individual violation; this is of continuing concern to the NRC. Include in this response the actions taken by TVA management to assure that all adverse conditions are properly documented, evaluated, and corrected at Watts Bar.

In addition, your response did not address the specific concerns regarding deficiencies identified during the NRC review of the Construction Deficiency Report (CDR) 50-390, 391/92-12 and SCAR WBSCA920106 as requested in our March 30, 1994 transmittal letter. Other specific discrepancies contained in your response have been discussed directly with your staff. Please provide a response to each of these issues.

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The responses directed by this letter are 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,

Original Signed By:
J. P. Jaudon

Johns P. Jaudon, Acting Deputy Director
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cc: (See page 4)

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Per Telcom 6/8/94

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