



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

June 17, 2010

EA-09-307

Mr. R. M. Krich
Vice President, Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: REPLY TO TENNESSEE VALLEY AUTHORITY LETTER DATED MAY 18, 2010, REGARDING INSPECTION REPORT NO. 05000259/2010007, 05000260/2010007, AND 05000296/2010007, BROWNS FERRY NUCLEAR PLANT

Dear Mr. Krich:

Thank you for your letter dated May 18, 2010, from Mr. K.J. Polson, Browns Ferry Site Vice President, in response to our Notice of Violation (EA-09-307) dated April 19, 2010. The Notice of Violation described two violations that were identified during an inspection conducted by the Nuclear Regulatory Commission (NRC). The first violation involved multiple examples of failure to satisfy the requirements of 10 CFR Part 50, Appendix R, Sections III.G.1 and III.G.2. The second violation involved an inappropriate revision to the Browns Ferry post-fire safe shutdown instruction entry conditions, which resulted in the safe shutdown instruction not meeting the requirements of Technical Specification 5.4.1.

With regard to the first violation, we understand that full compliance with the requirements of 10 CFR 50.48(c), without relying on compensatory measures, will be achieved upon completing the implementation of the transition to National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants 2001 Edition." You further stated that the Tennessee Valley Authority (TVA) plans to initiate fire protection program improvements prior to completion of the transition to NFPA 805, and plans to prioritize these improvements based on those with greater impact on overall fire risk reduction. We understand that you have implemented compensatory measures, in accordance with your fire protection program, to address all non-compliances with 10 CFR Part 50, Appendix R, Sections III.G.1 and III.G.2. These compensatory measures, which include fire watches and operator manual actions, will remain in effect until full compliance with the regulation is achieved. In addition, you stated that you have evaluated the most critical operator manual actions and revised safe shutdown instructions to include independent confirmation of

actions, to improve the likelihood of success. To further reduce the risk associated with this violation, you have posted fire watches as additional compensatory measures.

The current enforcement discretion policy provides for up to 3 years of discretion during your transition to NFPA 805. In a letter dated March 4, 2009, TVA stated its intent to adopt NFPA 805, as the licensing basis for the Browns Ferry fire protection program. Therefore, the staff anticipates that you will submit your license amendment request by March 4, 2012. After reviewing your license amendment request, if the NRC approves your request in a safety evaluation report, the NRC will include a license condition identifying the date by which you must complete the transition by performing the appropriate plant changes (e.g., changes to fire protection procedures to comply with 10 CFR 50.48(c)). The date by which you are required to complete your transition will be based on the nature of changes that you plan to implement. By that date, you will be required to comply with your fire protection program without relying on any long-term compensatory measures.

Based on corrective actions taken to date, your docketed intention to transition your fire protection licensing basis to NFPA 805, and the enforcement discretion policy, as well as dates that NRC plans to impose on you via a license condition in the safety evaluation report, we find that your response to the Notice of Violation meets the intent of 10 CFR 2.201 with respect to providing a date for obtaining full compliance.

We have reviewed your response to the second violation (Technical Specification 5.4.1), and find that that it meets the requirements of 10 CFR 2.201. In your response you stated that full compliance was achieved when you restored the entry conditions to those which were in place prior to the revision. You also described additional actions you plan to take to address the reasons this violation occurred.

We will review the adequacy and status of your corrective actions during a supplemental inspection utilizing NRC Inspection Procedure 95002, once you have indicated you are ready for this inspection. In addition, we will monitor your progress in transitioning your fire protection licensing basis to NFPA 805, through routine baseline inspections, including the resident and triennial fire protection inspections. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Kriss M. Kennedy, Director
Division of Reactor Safety

Docket Nos.: 50-259, 50-260, 50-296
License Nos.: DPR-33, DPR-52, DPR-68

cc: See page 3

cc:

K. J. Polson
Vice President
Browns Ferry Nuclear Plant
Tennessee Valley Authority
P.O. Box 2000
Decatur, AL 35609

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Browns Ferry Nuclear Plant
U.S. Nuclear Regulatory Commission
10833 Shaw Road
Athens, AL 35611-6970

J.J. Randich
General Manager
Browns Ferry Nuclear Plant
Tennessee Valley Authority
P.O. Box 2000
Decatur, AL 35609

F.R. Godwin
Manager, Licensing and Industry Affairs
Browns Ferry Nuclear Plant
Tennessee Valley Authority
P.O. Box 2000
Decatur, AL 35609

E. J. Vigluicci
Assistant General Counsel
Tennessee Valley Authority
6A West Tower
400 West Summit Hill Drive
Knoxville, TN 37902

State Health Officer
Alabama Dept. of Public Health
RSA Tower - Administration
Suite 1552
P.O. Box 30317
Montgomery, AL 36130-3017

Chairman
Limestone County Commission
310 West Washington Street
Athens, AL 35611

James L. McNees, CHP
Director
Office of Radiation Control
Alabama Dept. of Public Health
P. O. Box 303017
Montgomery, AL 36130-3017

Letter to R. M. Krich from Kriss M. Kennedy dated June 17, 2010.

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