

Docket



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 2, 1990

Docket Nos. 50-259, 50-260,  
and 50-296  
License Nos. DPR-33, DPR-52,  
and DPR-68  
EA 89-226

Mr. Oliver D. Kingsley, Jr.  
Senior Vice President, Nuclear Power  
Tennessee Valley Authority  
6N 38A Lookout Place  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

Dear Mr. Kingsley:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NOS. 50-259/89-43,  
50-260/89-43, AND 50-296/89-43)

This refers to the Nuclear Regulatory Commission (NRC) special inspection conducted by K. D. Ivey on September 11 - October 11, 1989, which included a review of activities authorized for your Browns Ferry facility. This special inspection was conducted to review a number of violations related to your Technical Specification (TS) surveillance program. The report documenting this inspection was sent to you by letter dated November 2, 1989. The apparent violations described in the inspection report, when viewed collectively, raised significant concerns regarding your control of licensed activities, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on November 21, 1989. The letter summarizing this conference was sent to you on January 2, 1990.

Surveillance testing has been an ongoing problem at Browns Ferry and contributed to the multi-unit shutdown in 1985. The violations described in the enclosed Notice and referenced inspection report encompass many aspects of your surveillance testing program. The violations include inadequate test procedures, failure to meet surveillance test intervals, failure to implement and maintain compensatory measures required by technical specifications, and the failure to follow procedures. These violations are similar to numerous other violations that occurred over the past two years while all three units have been shut down. In summary, these deficiencies indicate that sufficient management attention was not directed to fully correcting the identified problems and adequately implementing the improved surveillance test program developed since 1986, until the NRC became involved.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violations described in the enclosed Notice have been categorized in the aggregate as a Severity

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Level III problem. A civil penalty is normally considered for a Severity Level III violation or problem. However, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, I have decided that a civil penalty will not be proposed in this case. This decision is based on the merits of the case after consideration of the guidance in Section V.G. of the NRC Enforcement Policy. The safety significance of the violation is minimized because all Browns Ferry units have been in an extended shutdown since 1985. We recognize you are implementing an NRC approved program to ensure compliance prior to the restart of Unit 2. Also, your overall performance in this area has improved significantly since you were made aware of the violations. This is evidenced by the various steps you have taken to improve personnel accountability and adherence to the surveillance testing program requirements. It appears that this has resulted in the subsequent absence of new LERs or violations in this area. However, we emphasize that if Browns Ferry had not been in its extended shutdown, a civil penalty would have been proposed.

You are required to respond to this letter and the enclosed Notice, and should follow the instructions specified therein when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In preparing your response, you should give particular attention to explain those actions to be taken to improve the communication between your surveillance, maintenance, engineering, and operations staffs. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice 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.

Should you have any questions concerning this letter, please contact us.

Sincerely,

  
Dennis M. Crutchfield, Associate Director  
for Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
Notice of Violation

cc w/enclosure:  
See next page



Mr. Oliver D. Kingsley, Jr.

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