

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of
TENNESSEE VALLEY AUTHORITY
(Browns Ferry Nuclear Plant
Units 1, 2, and 3)

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Docket Nos. 50-259
50-260
50-296
License Nos. DPR-33
DPR-52
DPR-68
EA 84-54

CONFIRMATORY ORDER

I

The Tennessee Valley Authority (TVA, the "licensee") is the holder of Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 (the "licenses") which authorize the operation of the Browns Ferry Nuclear Plant, Units 1, 2 and 3 at steady state reactor core power levels not in excess of 3293 megawatts thermal (rated power). The licenses were originally issued on June 26, 1973 for Unit 1, June 28, 1974 for Unit 2, and July 2, 1976 for Unit 3. The plant consists of three boiling water reactors (BWRs), located at the licensee's site near Athens, Alabama.

II

Based on the results of recent inspections by the Nuclear Regulatory Commission (NRC) and the enforcement history of the Browns Ferry Plant, the NRC has concluded that TVA has not given sufficient management attention to ensuring adherence to regulatory requirements for testing, surveillance, maintenance and operating activities at the Browns Ferry Nuclear Plant. This concern has been expressed to TVA management during various management and enforcement conferences.

The licensee's enforcement history and ratings in the Systematic Assessment of Licensee Performance ("SALP") have demonstrated a continuing pattern of poor

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performance by the licensee. The SALP evaluation for the period July 1, 1980 to June 30, 1981 showed that, of twelve areas evaluated, six areas - 1) plant operations; 2) personnel, training, and plant procedures; 3) fire protection and housekeeping; 4) radiation protection, radioactive waste management and transportation; 5) audit, review, and committee activities; and 6) corrective action and reporting - were rated Category 3. A Category 3 rating indicates that both NRC and licensee attention should be increased. During this period, for the areas specified, thirty-five violations were identified including six escalated enforcement actions.

For the SALP period July 1, 1981 to December 31, 1982, out of ten areas evaluated, five areas - 1) plant operations, 2) radiological controls, 3) maintenance, 4) security and safeguards, and 5) quality assurance program - were rated Category 3. During this period, for the areas specified, sixty-six violations were identified including four escalated enforcement actions.

For the current SALP evaluation for the period of January 1, 1983 to February 29, 1984, out of ten areas evaluated, six areas were rated Category 3. During this period, for the six Category 3 areas, seventy-seven violations were identified including seven escalated enforcement actions.

On January 23, 1984, TVA suspended refueling and modification activities at Browns Ferry Unit 3 to concentrate on a reevaluation of management controls and training to achieve better compliance. In addition, a management meeting was held between TVA and NRC Region II on January 30, 1984 to discuss the proposed

Regulatory Performance Improvement Plan (RPIP) and planned TVA organizational changes. Subsequently, TVA submitted the RPIP by letter dated February 24, 1984 which incorporated both short-range and long-range objectives for achieving the improvements considered necessary to meet NRC regulatory requirements. The Deputy Manager of Power for TVA stated that the proposed RPIP was being reviewed at the highest level in TVA and NRC comments were solicited.

In the RPIP the licensee described the improvement program and provided an implementation plan for ensuring safe operation of the Browns Ferry Nuclear Plant by 1) strengthening management control, 2) reinforcing discipline in plant operations, 3) ensuring procedural compliance and regulatory sensitivity, 4) focusing attention and resources on long-term needs, and 5) ensuring implementation of specific improvements. The licensee submitted revisions to the RPIP dated March 26, 1984; April 12, 1984; May 4, 1984; May 21, 1984; June 4, 1984; and July 2, 1984. In a separate letter dated May 4, 1984, major organizational changes considered necessary to enhance the nuclear power program were submitted.

The commitments of the licensee reflected in these programs are responsive to the concerns of the NRC regarding the licensee's poor history of regulatory compliance. In view of the operational deficiencies identified during the past few years and their continuing nature despite previous licensee efforts to correct them, I have determined that the public health, safety and interest require that the licensee's commitments be confirmed by an immediately effective Order to ensure that they are implemented expeditiously.

III

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY THAT:

1. The licensee shall implement the Browns Ferry Regulatory Performance Improvement Program as described in the Enclosures. The licensee shall not extend the scheduled times for completing the tasks described in the RPIP without the approval of the Region II Administrator. The licensee shall notify the Region II Administrator, within 20 days following the effective date of this Order, of any action-item tasks for which scheduled completion dates preceding the date of this Order were not met, and shall establish new completion dates acceptable to the Region II Administrator.
2. The licensee shall periodically (approximately quarterly) present a status report on the RPIP to the Region II Administrator. This status report shall include plans and schedules for acting on findings and recommendations derived from the RPIP. For any recommendation which the licensee decides not to implement, an evaluation which supports that decision shall be submitted. The licensee shall notify the Region II Administrator if it intends to alter any of the plans and schedules for implementation of the recommendations resulting from the RPIP.
3. The licensee shall implement the organizational changes described in the TVA letter dated May 4, 1984 which is included in the Enclosures. The

licensee shall submit conforming revisions to the Technical Specifications within 90 days.

The licensee may request a hearing on this Order. Any request for hearing on this Order shall be submitted within 20 days of the date of this Order to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address. A REQUEST FOR A HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in Sections II and III of this Order, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By

R. C. DeYoung

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 11th day of July 1984