



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

AUG 14 1981

EGM 81-25

MEMORANDUM FOR: R. Carlson, Region I *NIE 1*  
 C. Alderson, Region II *NSE 2*  
 J. Streeter, Region III  
 J. Gagliardo, Region IV  
 A. Johnson, Region V

FROM: Dudley Thompson, Director *NSE 33*  
 Enforcement and Investigations, IE

SUBJECT: EGM - NO CIVIL PENALTY DETERMINATION

Regional analysis of the attached case involving Browns Ferry determined that even though a severity level III violation had occurred, no civil penalty was warranted. I agree with the regional position.

The case is being distributed for guidance in application of the Interim Enforcement Policy.

*Dudley Thompson*  
 Dudley Thompson, Director  
 Enforcement and Investigations  
 Office of Inspection and Enforcement

cc w/incoming: V. Stello  
 R. DeYoung  
 R. Wessman  
 G. Barber  
 T. Brockutt  
 J. Metzger

cc w/o incoming: B. Grier  
 J. O'Reilly  
 J. Keppler  
 K. Seyfrit  
 R. Engelken

FOIA-88-353

4/3

DRAFT LETTER TO LICENSEE

Tennessee Valley Authority  
ATTN: Mr. H. G. Parris  
Manager of Power  
500A Chestnut Street Tower II  
Chattanooga, TN 37401

Gentlemen:

Subject: Report Nos. 50-259/81-17, 50-260/81-17 and 50-296/81-17

This refers to the special safety inspection conducted by Mr. J. R. Wray of this office on June 29 - July 2, 1981, of activities authorized by NRC Operating License Nos. DPR-33, DPR-52 and DPR-68 for the Browns Ferry facility. Our preliminary findings were discussed with Mr. H. L. Abercrombie, Plant Superintendent, at the conclusion of the inspection.

Areas examined during the inspection and our findings are discussed in the enclosed inspection report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector.

During the inspection, it was found that certain activities under your license appear to violate NRC requirements. These items and references to pertinent requirements are listed in the Notice of Violation enclosed herewith as Appendix A. Elements to be included in your response are delineated in Appendix A. One violation has been categorized as a Severity Level III violation in accordance with the Interim Enforcement Policy published in the Federal Register (45 FR 66754) dated October 7, 1980. A civil penalty is generally imposed if a Severity Level III violation has occurred. However, after consideration of this matter and for the reasons stated in paragraph 5 of the inspection report no civil penalty will be issued.

Your written response to the Notice of Violation, and the results of future inspections will be considered in determining further enforcement action.

We have examined actions you have taken with regard to previously identified enforcement matters and unresolved items. The status of these items is discussed in the enclosed report.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter and the enclosed report will be placed in the NRC's Public Document Room. If the report contains any information that you believe to be exempt from disclosure under 10 CFR 9.5(a)(4), it is necessary that you: (a) notify this office by telephone within ten days from the date of this letter of your intention to file a request for withholding; and (b) submit within twenty-five days from the date

of this letter a written application to this office to withhold such information. If your receipt of this letter has been delayed such that less than seven days are available for your review, please notify this office promptly so that a new due date may be established. Consistent with section 2.790(b)(1), such application must be accompanied by an affidavit executed by the owner of the information which identifies the document or part thereof sought to be withheld, and a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. This section further requires the statement to address with specificity the considerations listed in 10 CFR 2.790-(b)(4). The information sought to be withheld shall be incorporated as far as possible into a separate part of the affidavit. If we do not hear from you in this regard within the specified periods noted above, the report will be placed in the Public Document Room.

Should you have any questions concerning this letter, we will be glad to discuss them with you.

Sincerely,

James P. O'Reilly  
Director

Enclosures:

1. Appendix A, Notice of Violation
2. Inspection Report Nos. 50-259/81-17  
50-260/81-17 and 50-296/81-17

cc w/encl:

- H. J. Green, Director of Nuclear Power
- H. L. Abercrombie, Plant Superintendent
- R. E. Rogers, Project Engineer
- H. N. Culver, Chief, Nuclear Safety  
Review Staff

bcc w/encl:  
Nuclear Safety Information Center  
Technical Information Center  
Document Management Branch  
State of Alabama

RII	RII	RII	RII	RII	RII
JWray:aw 07/ /81	CHosey 07/ /81	CConer 07/ /81	AFGihson 07/ /81	RCLewis 07/ /81	CAlderson 07/ /81

APPENDIX A

NOTICE OF VIOLATION

Tennessee Valley Authority  
Browns Ferry 1, 2, and 3

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

As a result of the inspection conducted on June 29 - July 2, 1981, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), the following violations were identified.

- A. 10 CFR 20.104(a) states that no licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area who is under 18 years of age to receive in any period of one calendar quarter, from radioactive material and other sources of radiation in the licensee's possession, a whole body dose in excess of 125 millirems:

Contrary to the above, an individual under 18 years of age received a whole body dose for the second calendar quarter in excess of 125 millirems in that on June 6 and 7, 1981, the individual received a whole body dose of 736 millirems while working in the Unit 1 reactor cavity. This individual would not have been 18 years of age until June 23, 1981.

This is a Severity Level III Violation (Supplement IV).

- B. Technical Specification 6.3.A requires that detailed written radiation control procedures be prepared, approved and adhered to. One such procedure is Radiation Control Instruction 2. Section XI of this instruction states that no individual less than 19 years of age shall be authorized to receive a quarterly whole body dose of 3 rems.

Contrary to the above, a 17 year old worker, on June 8, 1981, was authorized to receive a whole body dose of 3 rems.

This is a Severity Level V Violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit to this office within thirty days of the date of this Notice, a written statement or explanation in reply, including: (1) admission or denial of the alleged violations; (2) the reasons for the violations if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown. Under the authority of Section 162 of the Atomic Energy Act of 1954, as amended, this response shall be submitted under oath or affirmation.

Date: \_\_\_\_\_



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA ST., N.W., SUITE 3100  
ATLANTA, GEORGIA 30303

Report Nos. 50-259/81-17, 50-260/81-17, and 50-296/81-17

Licensee: Tennessee Valley Authority  
500A Chestnut Street  
Chattanooga, TN 37401

Facility Name: Browns Ferry

Docket Nos. 50-259, 50-260 & 50-296

License Nos. DPR-33, DPR-52, DPR-68

Inspection at Browns Ferry Site near Decatur, Alabama

Inspector:

John R. Wray  
J. R. Wray

7/27/81  
Date Signed

Approved by:

C. M. Hosey  
C. M. Hosey, Acting Section Chief  
Engineering Inspection Branch  
Engineering and Technical Inspection Division

7/27/81  
Date Signed

SUMMARY

Inspection on June 29 to July 2, 1981

Areas Inspected

This special unannounced inspection involved 28 inspector-hours onsite reviewing the circumstances surrounding the exposure of a minor to radiation in excess of the whole body regulatory limit and follow-up actions to the Health Physics Appraisal.

Results

Of the two areas inspected, no violations or deviations were identified in one area; two apparent violations were found in the remaining area (exceeding quarterly whole body dose limit, paragraph 5.b; and failure to follow procedures, paragraph 5.d).