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

August 13, 2012

EA-12-133

Mr. Joseph W. Shea
Manager, Corporate Nuclear Licensing
Tennessee Valley Authority
1101 Market Street, LP 4B-C
Chattanooga, TN 37402-2801

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING AND NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 05000259/2012013, 05000260/2012013, AND 05000296/2012013, BROWNS FERRY NUCLEAR PLANT); FOLLOW-UP ASSESSMENT LETTER

Dear Mr. Shea:

This letter provides you the final significance determination of one preliminary White finding discussed in Nuclear Regulatory Commission (NRC) Inspection Report 05000259/2012007, 05000260/2012007 and 05000296/2012007, dated May 28, 2012, (ML12150A219). The inspection finding was assessed using the NRC's Significance Determination Process and was preliminarily characterized as White, which represents a finding of low to moderate safety significance. The finding involved the failure to adequately accomplish the requirements contained in procedure NPG-SPP-09.3 "Plant Modifications and Engineering Change Control," which required that an evaluation of training needs be completed to support implementation of Design Change Notice (DCN) 69957. Specifically, on September 13, 2011, Procedures 0-SSI-25-1,-2,-3, and -26, "Safe Shutdown Instructions," were issued in support of DCN 69957 without adequately performing an evaluation of training needs. As a result, the systems approach to training was not properly implemented and the procedures could not be satisfactorily performed by plant operators and staff. The NRC's Inspection Report also identified one apparent violation corresponding to this finding.

At your request, a Regulatory Conference was held on July 25, 2012, to discuss your views on this issue. During the meeting, your staff described Tennessee Valley Authority's (TVA) causal analysis and detailed corrective actions both taken and planned. TVA did not contest the NRC's determination of the risk associated with the finding or the characterization as a violation of 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings". A summary of the Regulatory Conference (Accession no. ML12209A391) is available electronically for public inspection from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White (i.e. an issue with low to moderate increased importance to safety, which may require additional NRC inspections), in the mitigating systems cornerstone. Details of the NRC's basis for the significance determination are described in NRC Inspection Report 05000259/2012012, 05000260/2012012, and 05000296/2012012; Preliminary White Finding At Browns Ferry Nuclear Plant (ML12174A286).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in Inspection Manual Chapter 0609, Attachment 2, Process for Appealing NRC Characterization of Inspection Findings. An appeal must be sent in writing to the Regional Administrator, Region II, 245 Peachtree Center Avenue, NE, Suite 1200, Atlanta, GA 30303-1257.

The NRC determined that a violation of 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," occurred, as cited in the enclosed Notice of Violation (Notice). In accordance with the NRC's Enforcement Policy, the Notice is considered an escalated enforcement action, because it is associated with a white finding. The circumstances surrounding the violation were described in detail in the subject inspection report.

The NRC has concluded that information regarding the reason for the violation, the corrective actions that have already been taken and those actions planned to correct and prevent recurrence, and the date when full compliance was achieved, has been adequately addressed in the information presented by TVA at the Regulatory Conference. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

The NRC assessed the performance at Browns Ferry Nuclear Plant Units 2 and 3 to be in the Regulatory Response Column of the Reactor Oversight Process Action Matrix beginning in the second quarter 2012 based on the White finding discussed in this letter. We will conduct a supplemental inspection (Inspection Procedure 95001, Supplemental Inspection for One or Two White Inputs in a Strategic Performance Area) when you notify us of your readiness for the NRC to review the actions taken to address the White Inspection finding. The assessment of performance does not change for Unit 1 based on the safety significance of this finding, since Unit 1 has been in the Multiple Repetitive Degraded Cornerstone Column of the Reactor Oversight Process Action Matrix since the fourth quarter of 2010.

For administrative purposes, this letter is issued as NRC Inspection Report 05000259/2012013, 05000260/2012013, and 05000296/2012013. AV 05000259/2012007, 05000260/2012007 and 05000296/2012007-05, Failure to Properly Implement the Requirements of the Plant Modifications and Engineering Change Control Procedure, is updated consistent with the regulatory positions described in this letter as VIO 05000259/2012007, 05000260/2012007 and 05000296/2012007-05 with a safety significance of White and a cross-cutting aspect of Work Coordination in the Work Control component of the Human Performance area [H.3.(b)].

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response (if you choose to provide one), will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Victor M. McCree
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: (See page 4)

cc w/encl:
K. J. Polson
Site Vice President
Browns Ferry Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

C.J. Gannon
General Manager
Browns Ferry Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

James E. Emens
Manager, Licensing
Browns Ferry Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Manager, Corporate Nuclear Licensing - BFN
Tennessee Valley Authority
Electronic Mail Distribution

Edward J. Vigluicci
Assistant General Counsel
Tennessee Valley Authority
Electronic Mail Distribution

T. A. Hess
Tennessee Valley Authority
Electronic Mail Distribution

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

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

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

NOTICE OF VIOLATION

Tennessee Valley Authority
Browns Ferry Nuclear Plant
Unit 1, 2, and 3

Docket No. 50-259, 260, 296
License No. DPR-33, 52, 68
EA-12-133

During an NRC inspection completed on March 1, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

> 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that activities affecting quality shall be prescribed by documented procedures of a type appropriate to the circumstances and shall be accomplished in accordance with these procedures.
>
> NPG-SPP-09.3, “Plant Modifications and Engineering Change Control,” and form NPG-SPP-09.3-13, Modification Training Notification, requires an evaluation of training needs to be completed for the implementation of procedures developed in response to design changes. Procedures 0-SSI-25-1,-2,-3, and -26, “Safe Shutdown Instructions”, were developed in support of Design Change Notice (DCN) 69957, which installed a new three-hour fire barrier in the Intake Tunnel Structure, per NPG-SPP-09.3. DCN 69957 was designated as an activity that affected quality.
>
> Contrary to the above, the licensee failed to adequately accomplish the requirements contained in procedure NPG-SPP-09.3 “Plant Modifications and Engineering Change Control” during the implementation of DCN 69957. Specifically, on September 13, 2011, the licensee implemented Procedures 0-SSI-25-1,-2,-3, and -26, “Safe Shutdown Instructions,” in support of DCN 69957 without adequately performing an evaluation of training needs. As a result, the systems approach to training was not properly implemented and the procedures could not be satisfactorily performed by plant operators and staff.

This violation is associated with a White significance determination process finding for Unit 1, Unit 2 and Unit 3, in the Mitigating Systems cornerstone.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the information presented by TVA at the Regulatory Conference. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a “Reply to a Notice of Violation, EA-12-133” and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region II, and to the NRC’s senior resident inspector at the Browns Ferry Nuclear Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Enclosure

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response 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 NRC Web site at http://www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 13th day of August 2012