



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

August 22, 2013

EA 13-185

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
1101 Market Street, LP 3D-C
Chattanooga, TN 37402-2801

**SUBJECT: CONFIRMATORY ACTION LETTER – BROWNS FERRY NUCLEAR PLANT,
UNITS 1, 2, AND 3, COMMITMENTS RELATED TO THE INTEGRATED
IMPROVEMENT PLAN**

Dear Mr. Shea:

This letter confirms the commitments made by the Tennessee Valley Authority (TVA) to the US Nuclear Regulatory Commission (NRC) in an August 9, 2013, letter, "Commitments Related to the Browns Ferry Integrated Improvement Plan" (Agencywide Documents Access and Management Systems (ADAMS) Accession No. ML13224A263). These commitments are associated with the issues identified during the NRC's 95003 Inspection, Supplemental Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs or One Red Input, and implementation of the Browns Ferry Nuclear (BFN) Integrated Improvement Plan (IIP).

TVA notified the NRC staff of its intent to commit to specific actions at BFN that are necessary for the NRC to be able to assess the issues identified during the 95003 inspection for continued improvement in plant performance, and ensure that revisions to the IIP, including defining the timeline for transition out of the IIP to normal improved business practices, are effectively implemented and appropriate.

The NRC reviewed TVA's commitments, including the schedule for completion of items and planned key activities, and determined that TVA's actions, when implemented and then validated by the NRC, will provide the NRC with the necessary assessment bases to evaluate transition of BFN Unit 1 out of Column 4 of the Agency Action Matrix. Transition out of Column 4 would occur when an assessment follow-up letter is issued subsequent to the Reactor Oversight Process assessment in accordance with Inspection Manual Chapter 0305, Section 10.02.d.5.

It is our understanding that TVA will:

- 1) Implement a specific set of actions that will be completed in the near term, referred to as Tier 1 Commitments. These actions will be completed by the dates specified in the Enclosure to the TVA letter "Commitments Related to the Browns Ferry Integrated Improvement Plan." The Tier 1 commitments are designated as items 1 through 10.

- 2) When the Tier 1 actions, items 1 through 10, are completed by TVA and verified to be adequate by the NRC, they will reasonably serve to inform the NRC's decision making regarding closure of the Red Finding and the transition of BFN Unit 1 out of the Multiple/Degraded Cornerstone Column consistent with the NRC's Reactor Oversight Process.

The NRC will conduct follow-up inspections to verify the status of the Tier 1 Commitment items to assess whether or not the items have been implemented adequately.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me in writing immediately if your understanding differs from that set forth above;
- 2) Notify me in writing if for any reason you cannot complete the Tier 1 actions within the specified schedule and of your modified schedule in advance of the change;
- 3) Notify me in writing if you intend to change, deviate from, or not complete any of the documented commitments, prior to the change or deviation; and

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to meet the commitments in this Confirmatory Action Letter may result in the issuance of an order if your performance, as demonstrated by the failure to meet the Confirmatory Action Letter commitments, does not provide reasonable assurance that TVA can meet the NRC's requirements and protect public health and safety.

This Confirmatory Action Letter will remain in effect until BFN has notified the NRC that the Tier 1 Commitments list of actions are complete and successful NRC follow up inspections have been completed.

Additionally, for the items listed as Tier 2 Commitments in the TVA letter "Commitments Related to the Browns Ferry Integrated Improvement Plan", the NRC requests that you provide written correspondence informing the NRC when you have completed each of the actions addressed on the Tier 2 list of commitments, items 11 through 31. The NRC requests that this correspondence include the basis for closing of the commitment item in the context of the internal TVA reviews established in the IIP. NRC acknowledges TVA's commitment to complete the Tier 2 items to ensure sustained excellent performance and the achievement of the long term success criteria established in the IIP. The completion of the Tier 2 Commitment actions will be subject to inspection as part of the routine base line ROP inspection program.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and any 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, your response 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.

Sincerely,

/RA/

Victor M. McCree
Regional Administrator

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

cc: Distribution via Listserv:

J. Shea

3

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.

Sincerely,

/RA/

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Regional Administrator

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

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4

Letter to Joseph W. Shea from Victor M. McCree dated August 22, 2013

SUBJECT: CONFIRMATORY ACTION LETTER – BROWNS FERRY NUCLEAR PLANT,
UNITS 1, 2, AND 3, COMMITMENTS REGARDING 95003 INSPECTION
RELATED ISSUES AND BROWNS FERRY NUCLEAR PLANT TRANSITION
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