

**Thomas A. Lynch**  
Vice President - Farley

**Southern Nuclear  
Operating Company, Inc.**  
Farley Nuclear Plant  
Post Office Drawer 470  
Ashford, Alabama 36312

Tel 334.814.4511  
Fax 334.814.4728

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Docket Nos.: 50-348  
50-364



U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D. C. 20555-0001

**Joseph M. Farley Nuclear Plant, Units 1 & 2  
Response to Apparent Violations in  
Inspection Report 05000348, 364/2012008; EA-12-240**

Ladies and Gentlemen:

By letter dated January 9, 2013, the Nuclear Regulatory Commission (NRC) staff notified Southern Nuclear Operating Company (SNC) of two apparent violations concerning fire watch patrols at Joseph M. Farley Nuclear Plant (FNP).

SNC accepts the violations and, pursuant to the provisions of 10 CFR 2.201, submits its response to the violations as an Enclosure to this letter.

The individuals responsible for these violations were knowledgeable of the procedural requirements and responsibilities for performing fire watch patrols and acknowledged that they did not adequately perform their assigned patrols and falsified the records associated with these patrols. While this incident therefore resulted from willful violations of site procedures, requirements and expectations, the incident was self-identified and immediate corrective actions were taken.

SNC has confidence that the thorough corrective actions taken, as described in the Enclosure, obviate any need for escalated enforcement in this matter.

This letter contains no NRC commitments. If you have any questions, please contact Doug McKinney at (205) 992-5982.

Sincerely,

T. A. Lynch  
Vice President – Farley

TAL/DWD/

Enclosure: Response to Apparent Violations in  
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IEO1  
NRC

cc: Southern Nuclear Operating Company

Mr. S. E. Kuczynski, Chairman, President & CEO

Mr. D. G. Bost, Executive Vice President & Chief Nuclear Officer

Mr. B. L. Ivey, Vice President – Regulatory Affairs

Mr. B. J. Adams, Vice President – Fleet Operations

Mr. C. R. Pierce, Regulatory Affairs Director

RTYPE: CFA04.054

U. S. Nuclear Regulatory Commission

Mr. V. M. McCree, Regional Administrator

Ms. E. A. Brown, NRR Project Manager - Farley

Mr. P. K. Niebaum, Senior Resident - Farley

Mr. J. R. Sowa, Senior Resident - Farley

**Joseph M. Farley Nuclear Plant, Units 1 & 2**

**Enclosure**

**Response to Apparent Violations**

**in**

**Inspection Report 05000348, 364/2012008; EA-12-240**

## Enclosure

### Response to Apparent Violations in Inspection Report 05000348, 364/2012008; EA-12-240

#### Restatement of Violation 050000348, 364/2012008-01

10 CFR 50.48, *Fire Protection*, requires that a licensee must have a fire protection plan that, in part, outlines the plans for fire protection, fire detection, suppression capability, and limitation of fire damage. Site Procedure FNP-0-SOP-0.4 requires that hourly fire watches be conducted for degraded fire barriers or increase in combustibles in an area. Contrary to the above, from September 2011 through December 2011, roving fire watch patrols assigned to monitor specific fire protection (FP) areas with degraded barriers for indication of the presence of a fire, in the non-radiological portions of the plant, failed to conduct hourly fire watch patrols as required by FNP-0-SOP-0.4. For administrative tracking purposes, this issue will be tracked as apparent violation (AV), AV 05000348, 05000364/2012008-01: Failure to Perform Required Fire Watches.

Southern Nuclear Operating Company (SNC) does not contest the violation.

#### 1. Reason for the Apparent Violation

Contractor personnel who were assigned to perform hourly fire watch patrols deliberately violated procedures and management expectations on multiple occasions by not completing all portions of their assigned patrols and then entering false records of fire watch patrol performance into the plant's Enterprise Shift Operations Management System (ESOMS), the electronic record keeping system used to fulfill the procedural documentation requirement.

An investigation of this incident was undertaken through the corrective action program. The incident was determined not to have resulted from insufficient pre-job briefing; inadequate, incorrect or unclear procedures; or inadequate knowledge or training. The requirements for conducting fire watch patrols and creating proper documentation were clearly communicated to and understood by the fire watch personnel, thus the failure to properly perform hourly patrols and the falsification of patrol records were not the result of any process or procedure failures. The incident was characterized as a "reckless violation of procedures as well as management expectation."

#### 2. Corrective Steps Taken and Results Achieved; Including Control of Contractor Activities

A contractor supervisor noted the presence of a fire watch patroller at a location and time inconsistent with the hourly fire watch patrol route assigned to that individual. Review of security badge (card key) access records indicated that discrepancies existed between the patroller's actual location in

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the plant and the location where the patroller should have been if properly performing the assigned fire watch patrols. Immediately after identifying these inconsistencies, an investigation was initiated into the conduct of all contractor personnel performing fire watch patrols. SNC Site Management was also promptly notified of the incident. It was confirmed that certain fire watch personnel had failed to properly perform hourly patrols in accordance with the procedures and their training, and had falsified fire watch records.

SNC implemented the following corrective actions:

- a) Immediately upon learning of the fire watch irregularities, the corrective action program was entered and an investigation was begun to identify and assess the causes and extent of the problem.
- b) An Extent of Condition review was performed to determine whether the incident was isolated to one individual or involved multiple personnel. This assessment reviewed badge access records and fire watch performance records for all personnel assigned fire watch duties, including former fire watch personnel who were under consideration for return to fire watch duties.
- c) As the Extent of Condition review identified individuals with suspicious discrepancies in their fire watch records, they were immediately placed on administrative leave. Interviews were conducted with these individuals and upon confirmation of misconduct they (a total of six contractor employees) were terminated.

Additional corrective actions to strengthen control of contractor activities are detailed in Item 3 below.

### 3. Corrective Steps to be Taken to Avoid Further Violations

- a) The contractor conducted a stand down with all fire watch personnel to ensure performance expectations were clearly understood. The SNC Fire Protection Administrator provided training guidance and pre-job brief information to be used by all fire watch personnel and is now accompanying new personnel on patrols to certify their readiness before they are released to perform fire watch duties independently.
- b) SNC has engaged in active contractor oversight and control to validate the consistent performance of the required fire watches by:
  1. Daily verification of the qualification for personnel performing fire watches
  2. Performing unscheduled, random observations of fire watch patrols
  3. Access verification through periodic review of security badge access records for personnel performing fire watch patrols
  4. Routine review of ESOMS log entries documenting fire watch patrols

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5. Issues impacting the performance of fire watch patrols are documented in the corrective action program to ensure a formal evaluation of identified issue(s).

The above actions ensure SNC is actively overseeing the contractor's activities to improve the consistency, quality and sustainability of fire watch oversight. While these actions are currently being performed due to directed expectations, they will be proceduralized and a monthly recurring action to perform and document the fire watch audit function will be established.

- c) To strengthen contractor performance and oversight within the Southern Nuclear Fleet the following processes have been implemented:
  1. The SNC training matrix for supplemental (contractor) personnel has been amended to include "Engaged Thinking Worker (SOER 10-2)" training and "Engaged Thinking Supervisor (SOER 10-2)" training for supplemental workers and supervisors, respectively.
  2. The procedure for control of supplemental personnel has been modified to strengthen oversight of supplemental personnel by strengthening the duties, qualifications and responsibilities of the SNC personnel responsible for oversight of contractor activities.

#### 4. Date When Full Compliance Will Be Achieved

SNC is in full compliance. Based on corrective actions and reviews completed, SNC has determined that fire watches are being adequately performed and accurately documented.

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#### Restatement of Violation 050000348, 364/2012008-02

10 CFR 50.9(a), Completeness and Accuracy of Information, states, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects. Farley Administrative procedure FNP-0-AP-39, "Fire Patrols and Watches," Section 5.4, "Hourly Fire Watch Patrols," states: "Document the performance of the fire watch in accordance with forms similar to Figures 1 as applicable." Contrary to the above, from September 2011 through December 2011, the licensee maintained records of hourly fire watch patrols that were not complete and accurate in all material respects. Specifically, fire watch patrol documentation as required by FNP-0-AP-39 annotated that hourly fire watches were completed when in fact such fire watches had not been performed. The hourly fire watch patrol data is material to the NRC in that it provides sufficient evidence of compliance with regulatory requirements. For administrative tracking purposes, this issue will be tracked as apparent violation (AV), AV 05000348, 05000364/2012008-02: Falsification of Records.

Southern Nuclear Operating Company (SNC) does not contest the violation.

#### 1. Reason for the Apparent Violation

Contractor personnel who were assigned to perform hourly fire watch patrols deliberately violated procedures and management expectations on multiple occasions by not completing all portions of their assigned patrols and then entering false records of fire watch patrol performance into the plant's Enterprise Shift Operations Management System (ESOMS), the electronic record keeping system used to fulfill the procedural documentation requirement.

An investigation of this incident was undertaken through the corrective action program. The incident was determined not to have resulted from insufficient pre-job briefing; inadequate, incorrect or unclear procedures; or inadequate knowledge or training. The requirements for conducting fire watch patrols and creating proper documentation were clearly communicated to and understood by the fire watch personnel, thus the failure to properly perform hourly patrols and the falsification of patrol records were not the result of any process or procedure failures. The incident was characterized as a "reckless violation of procedures as well as management expectation."

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SNC implemented the following corrective actions:

- a) Immediately upon learning of the fire watch irregularities, the corrective action program was entered and an investigation was begun to identify and assess the causes and extent of the problem.
- b) An Extent of Condition review was performed to determine whether the incident was isolated to one individual or involved multiple personnel. This assessment reviewed badge access records and fire watch performance records for all personnel assigned fire watch duties, including former fire watch personnel who were under consideration for return to fire watch duties.
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Additional corrective actions to strengthen control of contractor activities are detailed in Item 3 below.

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- a) The contractor conducted a stand down with all fire watch personnel to ensure performance expectations were clearly understood. The SNC Fire Protection Administrator provided training guidance and pre-job brief information to be used by all fire watch personnel and is now accompanying new personnel on patrols to certify their readiness before they are released to perform fire watch duties independently.
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1. Daily verification of the qualification for personnel performing fire watches
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5. Issues impacting the performance of fire watch patrols are documented in the corrective action program to ensure a formal evaluation of identified issue(s).

The above actions ensure SNC is actively overseeing the contractor's activities to improve the consistency, quality and sustainability of fire watch oversight. While these actions are currently being performed due to directed expectations, they will be proceduralized and a monthly recurring action to perform and document the fire watch audit function will be established.

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