

November 16, 2016
EN 16-025

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Tennessee Valley Authority
Browns Ferry Nuclear Plant
Docket No.: 50-259, 50-260, and 50-296
EA-16-064

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$ 140,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$ 140,000 will be issued on or about November 21, 2016, to Tennessee Valley Authority (the licensee) for a Severity Level (SL) III violation.

The violation involved five contract fire watch employees who deliberately failed to conduct compensatory roving fire watch patrols, contrary to the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.48, "Fire Protection".

The licensee was given the opportunity to: (1) respond in writing, (2) request a Predecisional Enforcement Conference (PEC), or (3) participate in an Alternative Dispute Resolution mediation session. The licensee requested a PEC and it was conducted on September 27, 2016. At the conference, the licensee accepted the violation, including the willful aspects, and provided details of the significance, root causes, and corrective actions.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$140,000 is considered for a SL III violation. Because the violation was willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit was not warranted for identification. However, credit for corrective action was warranted. The corrective actions included: (1) permanent removal of involved fire watch individuals from all work activities, (2) briefing to all fire watch personnel communicating the fire watch procedural requirements and expectations, (3) procedure revision requiring fire operations personnel to perform weekly, unannounced, random observations of fire watch personnel, and (4) random quarterly verification of security card reader information by operations and fire operations management to ensure that fire watch personnel spend the appropriate time in required areas.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	November 21, 2016
Telephone Notification of Licensee	November 21, 2016

The State of Alabama will be notified.

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