

NOTICE OF VIOLATION
AND PROPOSED IMPOSITION OF CIVIL PENALTY

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

Docket Nos. 50-259, -260 and -425
License Nos. DPR-33, 58, and 68
EA 95-220

As a result of review of a Secretary of Labor Decision and Order dated August 22, 1995 (93-ERA-044), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.7 prohibits discrimination by a Commission licensee or a contractor or subcontractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer.

Contrary to the above, on February 2 and 4, 1993, the licensee failed to ensure that the provisions of 10 CFR 50.7 were implemented in that Stone & Webster Engineering Corporation, a contractor to the Tennessee Valley Authority at the Browns Ferry Nuclear Plant, discriminated against Mr. Douglas Harrison for engaging in protected activities. Specifically, as determined by the Secretary of Labor, Stone & Webster Engineering Corporation demoted Mr. Harrison and transferred him to a different position because he raised concerns related to firewatch requirements. (01012)

This is a Severity Level II violation (Supplement VII).
Civil Penalty - \$80,000.

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 will be achieved has already been adequately addressed. However, Tennessee Valley Authority (Licensee) is required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty if the statements made during the predecisional enforcement conference concerning these matters do not accurately reflect its corrective actions or its position. Within the same time as provided for the response noted above, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the

violation(s) listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, 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 a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Because the response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if the Licensee finds it necessary to include such information, it should clearly indicate the specific information that it desires not to be placed in the PDR, and provide the legal basis to support the request for withholding the information from the public.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, a response to this Notice shall be submitted under oath or affirmation.

Dated at Atlanta, Georgia
this 14th day of February 1996

TVA

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NRC Senior Resident Inspector
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Tennessee Valley Authority

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NRC Senior Resident Inspector
U.S. Nuclear Regulatory Commission
10833 Shaw Road
Athens, AL 35611



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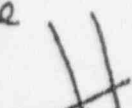


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
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