

January 18, 2012
EN 12-004

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Tennessee Valley Authority EA-11-252
Browns Ferry Nuclear Plant, Units 1, 2 and 3
Docket Nos. 50-259, 50-260, 50-296

Subject: NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation will be issued on or about January 23, 2012, to Tennessee Valley Authority (TVA). This action is based on a Severity Level III violation involving TVA's failure to provide information to the Commission that was complete and accurate in all material respects in accordance with 10 CFR 50.9.

On January 6, 1997, and May 5, 2004, TVA provided inaccurate information related to its NRC Generic Letter 89-10, "Safety-Related Motor-Operated Valve Testing and Surveillance" testing program. TVA stated that "Closure of valves FCV-74-52 and FCV-74-66 is not required by plant procedures to operate the RHR system in the suppression pool cooling mode. Therefore, these valves have no 'redundant' safety function and will not be included in the GL 89-10 program." This information was inaccurate because the FCV-74-52 and FCV-74-66 valves do have a safety function to close to operate the RHR system in the suppression pool cooling mode as described in plant procedures and should therefore have been included in Browns Ferry's GL 89-10 MOV monitoring program. This information was material to the NRC because it was used, in part, as the basis for determining that these valves did not meet the conditions necessary to be in Browns Ferry's GL 89-10 MOV monitoring program. The NRC subsequently concluded that had these valves been included in the Browns Ferry's GL 89-10 MOV monitoring program, identification of the previously failed low pressure coolant injection (LPCI) outboard injection valve, 1-FCV-74-66, may have occurred earlier through the comprehensive testing that would have been implemented under the program.

Because this was not the first escalated enforcement action at Browns Ferry within 2 years, the staff considered whether credit was warranted for Identification and Corrective Action. The staff determined that Identification credit is not warranted because the violation was identified by NRC. Credit for Corrective Actions is not warranted based on TVA's failure to perform an extent of condition review for other related submittals to the NRC. Therefore, normally the NRC would propose the imposition of a civil penalty in the amount of two times the base, for a total of \$130,000 in accordance with the Enforcement Policy. However, because the violation of 10 CFR 50.9 occurred more than 5 years ago, a civil penalty will not be assessed in this case in accordance with the statute of limitations.

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

Mailing of Notice
Telephone Notification of Licensee

January 23, 2012
January 23, 2012

The State of Alabama will be notified.

Contacts: Lauren Casey, OE, 415-1038

Aida Rivera-Varona, OE, 415-4001

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

Mailing of Notice
Telephone Notification of Licensee

January 23, 2012
January 23, 2012

The State of Alabama will be notified.

Contacts: Lauren Casey, OE, 415-1038

Aida Rivera-Varona, OE, 415-4001

Distribution: EN-12-004, January 18, 2012

OWFN

Chairman Jaczko
Comm. Svinicki
Comm. Apostolakis
Comm. Magwood
Comm. Ostendorff
SECY
OCA
OPA
OIP

OWFN

EDO
DEDR
DEDMRS
OE
OGC
OI
OIG

TWFN

OCFO
OP CENTER
OIS
RES
ACRS
FSME
NSIR

EBB
NMSS

Regional Offices

RI RII
RIII RIV

MAIL

ADAMS
OE staff

DISTRIBUTION:

R. Zimmerman, OE
N. Hilton, OE
A. Rivera, OE
L. Casey, OE
OE r/f
EN binder

ADAMS ML12018A018

Public

Non-Sensitive

OFFICE	OE:ES	OE:SC
NAME	LCasey	ARivera-Varona
DATE	1/18 /2012	1/18/2012

OFFICIAL RECORD COPY