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Vice President  
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July 5, 2011

10 CFR 2.201

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

Browns Ferry Nuclear Plant, Unit 3  
Facility Operating License No. DPR-68  
NRC Docket No. 50-296

**Subject: Reply to a Notice of Violation; EA-11-012**

- References:**
- 1) Letter from NRC to TVA, "Browns Ferry Nuclear Plant - NRC Integrated Inspection Report 05000259/2010005, 05000260/2010005, 05000296/2010005, and Notice of Violation," dated February 9, 2011
  - 2) Letter from TVA to NRC, "Reply to a Notice of Violation; EA-11-012," dated March 11, 2011
  - 3) Letter from NRC to TVA, "Response to Disputed Notice of Violation (EA-11-012)," dated June 3, 2011

By letter dated February 9, 2011 (Reference 1), the NRC transmitted a Notice of Violation (NOV) (EA-11-012), regarding 10 CFR 50.9, "Completeness and Accuracy of Information," with respect to Browns Ferry Nuclear Plant, Unit 3, Licensee Event Report (LER) 50-296/2009-003, Revision 2. The Tennessee Valley Authority (TVA) contested that violation and provided the basis for this denial in its letter dated March 11, 2011 (Reference 2). In its letter dated June 3, 2011 (Reference 3), the NRC concluded that the violation occurred as stated in the original NOV, and noted that TVA was required to provide a description of TVA's corrective actions in response to the NOV within 30 days of June 3, 2011.

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NRR

U.S. Nuclear Regulatory Commission  
July 5, 2011  
Page 2

Accordingly, TVA's response is required to be submitted by July 3, 2011. However, since July 3, 2011 is a Sunday, and July 4, 2011 is a federal holiday, this response is required to be submitted on July 5, 2011.

TVA's response to the NOV is provided in the enclosure of this letter. TVA has already provided a description of actions that have been taken in its March 11, 2011 letter. However, in addition to providing TVA's corrective actions in response to the NOV, as directed by the NRC's June 3, 2011 letter, the enclosure includes the reason for the violation and the date when full compliance will be achieved as specified in the February 9, 2011 NOV.

After review of the NRC's June 3, 2011 letter providing the NRC's conclusion that the violation occurred as stated in the NOV, TVA notes the following. TVA's denial of the NOV was based on the specific aspects of the violation stated in the NOV and not the Non-cited Violation 05000296/2010003-03. Also, while the purpose for submitting Revision 2 of LER 50-296/2009-003 may be immaterial to the validity of the violation cited, it is material to the accuracy of the statements in the NOV.

There are no new regulatory commitments as a result of the reply to this notice of violation. Should you have any questions concerning this submittal, please contact Tom Matthews at (423) 751-2687.

Respectfully,



R. M. Krich

Enclosure: Reply to a Notice of Violation; EA-11-012

cc (Enclosure):

NRC Regional Administrator - Region II  
NRC Senior Resident Inspector, Browns Ferry Nuclear Plant

## ENCLOSURE

### Browns Ferry Nuclear Plant, Unit 3 NRC Docket No. 50-296

#### Reply to a Notice of Violation; EA-11-012

##### **Restatement of Violation**

During an NRC inspection conducted on December 6, 2010, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.9, Completeness and Accuracy of Information, stated in part, that "Information provided to the Commission by a licensee shall be complete and accurate in all material respects."

Contrary to the above, on August 31, 2010, the licensee submitted a revised LER, as a corrective action for a previous 10 CFR 50.9 violation involving inoperability of the Unit 3 RCIC system, that was not complete and accurate in all material respects. The revised LER did not report the correct event date, nor did it describe prior corrective actions (e.g., maintenance and testing) taken for a previous related event and why these corrective actions did not prevent recurrence (as specifically detailed in NCV 05000296/2010003-03).

This is a Severity Level IV violation.

##### **Reply to Violation**

##### **The reason for the violation, or, if contested, the basis for disputing the violation or severity level**

At this point in the cause evaluation, TVA has determined that the reason for this violation was TVA interpreted the reporting guidance contained in NUREG-1022, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73," in a particular manner that supported the preparation of Licensee Event Report (LER) 50-296/2009-003, Revision 2. The NRC's letter of June 3, 2011 provided the NRC's interpretation of NUREG-1022 that was different than TVA's.

##### **The corrective steps that have been taken and the results achieved**

As stated in TVA's March 11, 2011 letter, Browns Ferry Nuclear Plant (BFN) has implemented a checklist to be used during the preparation and review of LERs. This checklist is included in a Licensing Desktop Guide.

**The corrective steps that will be taken**

1. TVA will revise LER 50-296/2009-003 to include information identified by the NRC. TVA will submit LER 50-296/2009-003, Revision 3 on or before July 29, 2011.
2. A summary of the NRC's interpretation of NUREG 1022 as documented in its letter dated June 3, 2011 will be added to the BFN LER Checklist.

**The date when full compliance will be achieved**

TVA will be in full compliance with 10 CFR 50.9 upon submittal of the revision to LER 50-296/2009-003, no later than July 29, 2011.