

Tennessee Valley Authority, Post Office Box 2000, Soddy Daisy, Tennessee 37384-2000

Richard T. Purcell
Site Vice President
Sequoyah Nuclear Plant

February 1, 2002

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

10 CFR 2.201

Gentleman:

In the Matter of)	Docket Nos. 50-327
Tennessee Valley Authority)	50-328

**SEQUOYAH NUCLEAR PLANT - NRC OFFICE OF INVESTIGATIONS
REPORT NUMBER 2-2000-019A AND INSPECTION REPORT
NOS 50-327/01-07, 50-328/01-07 - REPLY TO NOTICE OF
VIOLATION (NOV)**

This letter and its enclosure provide TVA's reply to the subject NOV. The NOV contains two violations as documented in your letter to Mr. J. A. Scalice, dated January 10, 2002. The violations address the failure to follow procedure and discrimination against a contract security officer.

This submittal does not contain any commitments. If you have any questions regarding this response, please contact me at extension (423) 843-7001 or Pedro Salas at extension (423) 843-7170.

Sincerely,



Richard T. Purcell

Enclosure
cc: See Page 2

IE01

U.S. Nuclear Regulatory Commission
Page 2
February 1, 2002

Enclosure

cc (Enclosure):

Mr. R. W. Hernan, Senior Project Manager
U. S. Nuclear Regulatory Commission
MS 08G9
One White Flint, North
11555 Rockville Pike
Rockville, Maryland 20852-2739

NRC Resident Inspector
Sequoyah Nuclear Plant
2600 Igou Ferry Road
Soddy-Daisy, Tennessee 37379-3624

Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
Atlanta Federal Center
61 Forsyth Street, SW, Suite 23T85
Atlanta, Georgia 30303-3415

ENCLOSURE

**TENNESSEE VALLEY AUTHORITY
SEQUOYAH NUCLEAR PLANT (SQN)
UNITS 1 AND 2**

**INVESTIGATION REPORT NUMBER 2-2000-019A
INSPECTION REPORT NOS. 50-327/01-07, 50-328/01-07
REPLY TO NOTICE OF VIOLATION (NOV)**

I. RESTATEMENT OF VIOLATIONS

"During an investigation conducted by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) between July 3, 2000, and November 28, 2001, and the NRC inspections completed on October 30, 2000, and January 10, 2002, violations of NRC requirements were identified. In accordance with the 'General Statement of Policy and Procedures for NRC Enforcement Actions,' NUREG-1600, the violations are listed below:

- A. Sequoyah Physical Security Plan, paragraph 5.3.1, Personal Searches, establishes personal search requirements for individuals entering the protected area. The licensee implements personal search requirements through Sequoyah Nuclear Plant Physical Security Instruction PHYSI-32, Security Instructions for Members of the Security Force.

PHYSI-32, Rev. 24, Step 3.3.C, required that individuals entering the protected area shall be subjected to a personal search, including processing through the metal detector. If an alarm is received on the metal detector, the individual who caused the alarm shall be asked to ensure that all metal is removed (including shoes) and to process through the metal detector again. Should the individual alarm the detector again, the member of the security force shall physically search the individual.

Contrary to the above, on April 19, 2000, the licensee deliberately failed to follow PHYSI-32 during the personal search of an individual entering the protected area. Specifically, a senior licensee official received an alarm from the metal detector while entering into the protected area, and a security officer did not ask him to ensure that all metal, including his shoes, was removed. The

contract security officer physically searched the official instead of requesting that he remove his shoes and process through the metal detector again.

This is a Severity Level IV violation (Supplement III).

- B. 10 CFR 50.7 prohibits, in part, discrimination by a Commission licensee or a contractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge of other actions relating to the compensation, terms, conditions, and privileges of employment.

Contrary to the above, on April 19, 2000, the licensee discriminated against a contract security officer as a result of his engaging in protected activity. Specifically, the officer's protected activity involved his objection to being instructed not to follow Physical Security Instruction PHYSI-32, Security Instructions for Members of the Security force, Revision 24, which was part of his assigned responsibilities. The licensee made statements which resulted in the employee's belief that his employment was being threatened if he followed certain procedural steps. Subsequently, the contract security officer deliberately did not implement some personal search requirements when a metal detector alarmed during a senior licensee official's entry into the protected area. The intimidation represented a discriminatory action related to the compensation, terms, conditions, and privileges of the contract security officer's employment.

This is a Severity Level IV violation (Supplement VII)."

TVA's REPLY TO THE VIOLATION "A"

1. Reason For The Violation

The cause of the contract security officer's deliberate failure to follow procedure was his concern about possible impacts to his job if he did not follow verbal direction given by the TVA Security Shift Coordinator. The contract security officer was aware that the practice of directly performing a personal search had been permitted as recently as three weeks before the event. The cause of the Site Security Manager providing verbal direction to take action contrary to the procedure was his lack of knowledge that the procedure had been changed during his absence. While the Site Security Manager was on medical leave, the procedure that provided access control search requirements, PHYSI-32, was revised. The revision removed the option to go directly to a personal search if the metal detector alarmed in an effort to standardize the procedure between the TVA Nuclear sites. Upon return to work, the Site Security Manager instructed the Contract Security Manager and the TVA Security Shift Coordinator to proceed directly to personal search when the metal detector alarmed. They in turn directed the officers to take action contrary to the procedure as it was then written. The officer correctly challenged the direction as a failure to follow procedure, but deliberately did not follow procedure because of a perceived threat to his job.

2. Corrective Steps Taken And Results Achieved

The procedure was immediately revised to allow direct personal searches. This provided the officers with flexibility in response to metal detector alarms with assurance of proper control of individuals entering the site.

TVA investigated the failure to follow procedure and substantiated the issue. TVA took appropriate disciplinary actions against the Site Security Manager and the Shift Coordinator for directing personnel to take actions contrary to the procedure. These individuals understand the significance of their inappropriate actions.

Standdown meetings were conducted with the TVA Site Security staff and contract security personnel to discuss the event and specifically reinforce the requirement to follow procedure. Additionally, a TVA Nuclear Information Bulletin was issued to SQN employees and contractors on September 6, 2000, reiterating the expectation of following procedures as they are written, or have the procedure changed before proceeding. The message contained in the bulletin was given in General Employee Training and is reinforced in prejob briefings.

Following the completion of these actions, no other instances of individuals being directed to violate procedure have occurred.

3. Corrective Steps That Have Been Taken To Prevent Recurrence

No additional actions are necessary relative to the cause of the violation.

4. Date When Full Compliance Will Be Achieved

With respect to the violation, TVA is in full compliance.

TVA's REPLY TO THE VIOLATION "B"

1. Reason For The Violation

The cause for discrimination against a contract security officer was a statement made by the TVA Security Shift Coordinator which the contract security officer perceived as a threat to his job. While the Shift Coordinator maintained it was not his intent to threaten any job-related action, it was interpreted as such by the contract security officer.

2. Corrective Steps Taken And Results Achieved

TVA investigated the condition and substantiated the issue. TVA took appropriate disciplinary actions against the Site Security Manager relative to providing direction to take action contrary to the procedure and the Shift Coordinator for directing personnel to take action contrary to the procedure

and intimidation of a security officer. These individuals understand the significance of their inappropriate actions.

Standdown meetings were conducted with the site security staff and contract security personnel to discuss the event and reinforce the requirement to follow procedures. The TVA Concerns Resolution Staff participated in the standdown meetings to reinforce the importance of a safety conscious work environment and provided information on how to report problems and concerns.

The TVA Concerns Resolution Staff provided TVA's "Do What's Right" training to contract security supervision and officers. This training is designed to build and maintain the safety conscious work environment at TVA through an interactive education process that:

- a) explained the importance of raising concerns;
- b) addressed safety conscious work environment chilling effects;
- c) identified barriers to raising concerns;
- d) addressed effective communication skills; and
- e) provided impacts of human behaviors.

Subsequent to the event, in July 2000, a special assessment and evaluation of the safety conscious work environment involving both TVA and contract employees was performed by the TVA Office of the Inspector General. Employees that were interviewed said they would report nuclear safety and quality issues. The TVA Office Of the Inspector General performs periodic assessments of the safety conscious work environment at TVA plants and the Nuclear Security organization will be included in the next assessment.

In December 2001, NRC conducted a Problem Identification and Resolution Inspection (Inspection Report Nos. 50-327, 328/01-06). The inspectors determined that "workers at the site felt free to raise issues with their management and to input issues and problems into the problem identification and resolution program."

The security contractor also obtained an independent consultant to perform an Attitude/Climate Survey of their workforce. The survey resulted in

recommendations to improve communications, morale, and training. Enhancement actions based on the survey recommendations are ongoing. Additionally, the security contractor implemented a "Quality of Work-Life Program" to promote a work environment of mutual dignity, fairness, and respect. The program provides security work force members the opportunity to identify and solve problems related to their work life and work related issues.

TVA recognizes the importance of a safety conscious work environment. As such, TVA continually monitors safety conscious work environment indicators through employee interviews, surveys, and monitoring issues voiced externally.

3. Corrective Steps That Have Been Taken To Prevent Recurrence

No additional actions are necessary relative to the cause of the violation.

4. Date When Full Compliance Will Be Achieved

With respect to the violation, TVA is in full compliance.