

~~Security-Related Information - Withhold Under 10 CFR 2.390~~



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

February 11, 2008

10 CFR 50.54(f)

US Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-001

Gentlemen:

In the Matter of)	Docket Nos.	50-259	50-327
Tennessee Valley Authority)		50-260	50-328
			50-296	50-390
				50-391

RESPONSE TO NRC BULLETIN 2007-01, SECURITY OFFICER
INATTENTIVENESS FOR BROWNS FERRY NUCLEAR PLANT (BFN),
UNITS 1, 2 AND 3; SEQUOYAH NUCLEAR PLANT (SQN), UNITS 1 AND 2;
AND WATTS BAR NUCLEAR PLANT (WBN), UNITS 1 AND 2

TVA hereby submits its response to the subject Bulletin issued by the Nuclear Regulatory Commission (NRC) on December 12, 2007. The NRC requested licensees to provide information within 60 days regarding security program administrative and managerial controls established to prevent, identify and correct security personnel inattentiveness and complicity. Information was also requested regarding any failures to implement the behavior observation program by security personnel, including security contractors and subcontractors. Enclosure 1 to this letter provides the response to the requested five questions for TVA. Enclosure 2 provides a list of commitments.

This letter contains sensitive information regarding TVA's security measures. TVA requests that the information in this letter be withheld from public disclosure in accordance with 10CFR 2.390(d)(1).

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If you have any questions about this response, please contact Kevin Casey at (423) 751-8523.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 11th day of February, 2008.

Sincerely,

Beth A. Witzel, for
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Senior Licensing Manager
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cc: See page 3

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Enclosure

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ENCLOSURE 1

TENNESSEE VALLEY AUTHORITY (TVA)
RESPONSE TO SPECIFIC QUESTIONS IN
NRC BULLETIN 2007-01 SECURITY OFFICER ATTENTIVENESS

QUESTION 1

How do you identify, report and document human performance issues involving inattentiveness, especially complicity among licensee security personnel including security contractors and subcontractors? Include a description of actions staff and supervisors take to prevent, identify and correct instances of security personnel inattentiveness, especially complicity, and address how employee concerns related to security personnel inattentiveness and complicity are addressed.

Examples of the types of information to include when providing your response to Question (1) are:

- a. *Describe the means used to maintain the attentiveness and vigilance of your security personnel such as through the effective use of job/post rotations: communication checks, (audio/visual) audio stimuli; (e.g. radio), and other attentiveness stimuli for security posts where appropriate, based on the nature of the duties.*
- b. *Describe how you ensure that environmental conditions such as temperature, humidity, lighting, and noise levels do not degrade attentiveness or vigilance.*
- c. *Describe how you monitor the attentiveness and vigilance of security personnel such as through behavioral observation by supervisors/managers, behavioral observation by peers, and video surveillance.*

RESPONSE 1

TVA uses a variety of means to maintain the attentiveness and vigilance of security personnel.

Communication Checks/Post Rotations

- (b)(2)High communication checks were increased from (b)(2)High (b)(2)High prior to SA-07-06) to include (b)(2)High (b)(2)High. Currently Browns Ferry Nuclear (BFN), Sequoyah Nuclear (SQN), and Watts Bar Nuclear (WBN) conduct approximately (b)(2)High (b)(2)High of the (b)(2)High (b)(2)High. The (b)(2)High (b)(2)High are rotated to ensure all posts are checked throughout the (b)(2)High shift.

- Security post rotations are normally rotated as described below:

Security Officers (b)(2)High are provided relief/breaks (b)(2)High at BFN, SQN and WBN and upon request. Security Officers (b)(2)High are rotated at (b)(2)High at BFN and (b)(2)High at SQN and WBN and upon request at all stations. Security Officers (b)(2)High at BFN, (b)(2)High at SQN and WBN and upon request at all sites. WBN has (b)(2)High that do not rotate, the officers assigned to these posts are free to move about throughout the shift and are provided relief upon request.

Technology Aids

- Some posts were equipped with (b)(2)High prior to the issuance of SA-07-06. (b)(2)High BFN has incorporated the use of a (b)(2)High for monitoring (b)(2)High. Other (b)(2)High may be installed in the future, based on evaluation of posts. These (b)(2)High may be (b)(2)High and/or have (b)(2)High capabilities.

Additional Methods

TVA uses a variety of methods to prevent (p), identify (i), and correct (c) instances of security personnel inattentiveness and complicity to ensure that security personnel can perform their assigned duties and responsibilities, maintain continuous communication with (b)(2)High and are immediately available to respond at all times. Items identified with an asterisk were implemented following issuance of Security Advisory SA-07-06: E

- Security shift management/supervision conducts (b)(2)High inspections/observations security posts checks. * Security supervisors have increased post checks/observations of security personnel from (b)(2)High to a minimum of 10 per (b)(2)High. The number of checks may vary depending on locations and duties of the post. These post checks provide security personnel with the opportunity to report issues that may impact their ability to remain alert and attentive to duty (p, i, c).
- (b)(2)High conduct communication/status checks with security personnel by (b)(2)High on a (b)(2)High communication checks were increased from (b)(2)High per shift (prior to SA-07-06) to include (b)(2)High communication checks. Currently BFN, SQN, and WBN conduct approximately (b)(2)High checks on the (b)(2)High of the (b)(2)High check. The (b)(2)High checks are (b)(2)High to ensure all posts are checked throughout the (b)(2)High shift. Personnel who do not respond to the checks are investigated to determine the cause and verify their attentiveness (p, i, c).
- Security officers are expected to perform peer checks and provide post relief or breaks to security personnel when needed. *Security

personnel have been briefed on their responsibilities to report and have been notified of the sanctions for not reporting or engaging in complicity with other personnel that violate requirements (p, i, c).

- Security personnel are authorized to (b)(2)High on certain posts where these aids will not detract from their primary responsibilities (p).

- Security supervisors conduct a pre-job briefing at each shift rotation and observe oncoming shift personnel for signs of fatigue and provide each individual the opportunity to self-declare fatigue, with no adverse impact, if they feel that they would be in danger of becoming less than alert during shift (p, i).
- Security personnel receive Behavior Observation Program training (p).
- Security personnel receive Safety Conscious Work Environment (SCWE) training (p, c).
- Security management * at BFN, SQN, and WBN is conducting a new post assessment of each security post to determine whether conditions could negatively impact attentiveness or vigilance and determine appropriate mitigation measures utilizing the document created by the NEI Security Working Group (SWG) sponsored Security Standards Task Force. The document being utilized is the Security Post Evaluation Guidance (p, i).
- Security overtime is managed within the existing work hour requirements (p).
- Training is provided to security personnel that emphasizes the importance of adequate rest, diet, exercise, consumption of caffeine, and other issues in maintaining good health and alertness while on duty (p).
- *A special Human Performance training class (Excellence in Performance) was developed by Pinkerton Government Services and presented to security personnel. The training included review of human performance issues within the nuclear industry, BFN, SQN, and WBN to address causes of human performance events, raising issues and concerns without the fear of retaliation, and expectations of nuclear security professionals. A fatigue training lesson plan has been developed by the Security Training staff, and has been administered at BFN, SQN, and WBN on an annual basis to all security supervisors and officers performing specific security functions as specified by the Fitness for Duty Orders to Address Fatigue of Nuclear Facility Security Force Personnel 04-0037. The training is designed to ensure participants are able to recognize the symptoms, contributing factors, and effects of fatigue. The security fatigue training lesson plan will be revised for the 2008 annual training cycle to include elements of SA-07-06 "Security Officer Inattentive to Duty", and NRC Bulletin 2007-01

"Security Officer Attentiveness" Revision of fatigue lesson plan will be complete by 04/18/08 (p, i).

- The majority of TVA's programs and policies were already in place prior to the recent instances of inattentiveness. Additional enhancements implemented following issuance of Security Advisory SA-07-06 include:
 - Increasing the post inspection frequency and required number of inspections per (b)(2)High shift.
 - Updating the fatigue lesson plan to include industry operating experience and SA-07-06.
 - Evaluating the use of additional attentiveness aids such as (b)(2)High

(b)(2)High

Environmental Considerations

To ensure that environmental conditions do not degrade attentiveness or vigilance, TVA continuously monitors working conditions and evaluates the effectiveness of facility design. For example:

- Security management/supervisors at BFN, SQN, and WBN ensure that environmental conditions such as (b)(2)High do not degrade attentiveness or vigilance during routine and random post inspections.
- A process of assessing security posts was used to identify items to aid in remaining attentive, such as the use of (b)(2)High as long as these aides will not detract from the security officers primary responsibility.
- NEI has recently issued "Security Post Evaluation Guidance" that outlines criteria to evaluate posts for attentiveness levels, activity levels and environmental conditions to determine what mitigation measures would be appropriate to ensure the individual remains effective in the performance of their duties. BFN, SQN and WBN are using this guidance to conduct security post evaluations.

Behavioral and Performance Observations

TVA also monitors the attentiveness and vigilance of security personnel and prevents complicity through the use of the Behavioral Observation Program (BOP).

The BOP is designed to make employees with unescorted access aware of their responsibilities to recognize individual behavior which, if left unattended, could lead to acts detrimental to public health and safety. A key objective of the program is the recognition of behavior that is adverse to safety and security of the facility, including an unusual interest in or

predisposition towards security and/or involvement in operations activities outside the normal work activities scope.

Personnel with unescorted access receive initial BOP training and annual BOP testing. Employees monitor the behavior of other personnel with unescorted access. BOP monitoring is most effective when conducted by the employees' immediate supervision or co-worker because these individuals have frequent interaction and will recognize changes in behavior. Individuals are expected to identify and report acts detrimental to public health and safety including security officer inattentiveness. Individuals are encouraged to promptly report BOP observations to supervision for resolution under one or more existing plant programs. These programs include the Corrective Action Program (CAP), Concerns Resolution Program (CRP), Access Authorization, and Fitness for Duty (FFD). Alternatively, the individual may report directly to any of these programs or to the Nuclear Regulatory Commission.

On a monthly basis, supervision/management formally documents that BOP monitoring has occurred. Individuals are required to report arrests and other issues that may impair their fitness for duty. An annual review is performed and documented by supervision which typically includes behavior deviations reported to or observed by the supervisor. The supervisory review is evaluated by an access authorization program reviewing official to determine if additional action is required concerning the individual's trustworthiness, reliability and fitness for duty.

Monitoring for BOP is accomplished through periodic assessment of the other reporting programs noted above. Effectiveness of these programs is periodically assessed by the licensee through QA audits, Nuclear Safety Review Board reviews, SCWE surveys, and the Corrective Action Program. Additionally, independent reviews are conducted by INPO, the NRC, and industry peer review teams.

Other methods used to identify security performance issues include:

Shift Briefings and Fatigue Declaration

- At the beginning of each shift at BFN, SQN, and WBN, security personnel attend a turnover briefing and are observed by the security shift supervisors to verify they are fit for duty.
- A security supervisor asks security shift personnel individually if they are fit for duty prior to providing their weapon.
- BFN, SQN, and WBN implement the NRC requirements for work hour controls through Nuclear Security Department Procedure (NSDP) 3 "Work Hour Controls". This procedure requires that security personnel be fit to perform their duties in a reliable and trustworthy manner.
- Nuclear Security Department Procedure NSDP-3 requires that security personnel self report health problems to their Security Supervisor. This

self declaration includes fatigue that may impair their ability to perform assigned work. NSDP-3 provides a specific form NSDP-3-2, "Fatigue Declaration Form," for documenting self declaration of fatigue.

Self Identification

- Security Officers are trained and expected to self identify fatigue and can do so without the fear of disciplinary action.
- TVA Nuclear Power Group (NPG) Standards Programs and Processes (SPP) 1.3, "Plant Access and Security," provides guidance for implementation of the TVA Nuclear Behavioral Observation Program (BOP) for all TVA and Contract Employees. The BOP is the primary means for determining continued trustworthiness and reliability of employees.
- The BOP includes behavior observation training, as part of Fitness for Duty training, which is required initially and re-qualified annually, arrest reporting, and annual supervisor reviews. TVA NPG employees are responsible for:
 - observing personnel behavioral traits and patterns that may reflect adversely on their trustworthiness or reliability;
 - awareness of behaviors that might be adverse to safe operation; and,
 - reporting those observations to appropriate management.

Peer and General Employee Observations

- After the issuance of SA-07-06, TVA NPG management requested plant managers and supervisors to add security posts to their management observations at BFN, SQN and WBN.
- Observations of behaviors contradictory to a SCWE are required to be reported in accordance with BOP SPP-1.3.

Security Management and Supervisory Observations

- Security supervisors have increased post checks/observations of security personnel from (b)(2)High prior to SA-07-06 to a minimum of (b)(2)High. the number of checks may vary depending on locations and duties of the post.
- Security Management (b)(2)High conduct observations of varying security activities including nightshift and weekends. These observations are documented.
- In 2007, security personnel were briefed on the recent instances of industry inattentiveness and complicity issues and advised of their responsibility to report inattentiveness. Additionally, they have been

advised of the sanctions under 10 CFR 50.5 should they be discovered engaged in complicity with other individuals in violating requirements.

- TVA NPG SPP-10.7, "Housekeeping/Temporary Equipment Control," provides for controls for housekeeping, material condition, and temporary equipment at BFN, SQN, and WBN. This procedure requires Security management / supervisor personnel to conduct housekeeping and safety observations of security posts on a monthly basis.

Pinkerton Government Services Policies

- Policy #201, "Officer General Conduct," provides guidance and expectations for security personnel. Security personnel are expected to comply with the following expectations: enforce rules and regulations which would include reporting inattentiveness or any regulatory violation, act within reasonable rules of conduct and behavior, be loyal as consistent with law, and exercise personal ethics and standards.
- Policy #204, "Administration of Discipline," provides guidance for security personnel offenses and the corresponding disciplinary action that can result from failure to report issues and inattentiveness.

Nuclear Oversight Observations include:

- TVA NPG SPP-3.1, "Corrective Action Program," provides guidance and establishes the processes, requirements, and responsibilities for documenting and resolving problems including adverse conditions.
- TVA NPG SPP-3.0, "Nuclear Assurance and Licensing," provides guidance for the TVA Nuclear Assurance and Licensing programs and ensures management independent oversight that verifies line ownership and effective implementation of the TVA Power Group QA program.
- Nuclear Assurance Department Procedure NADP-2, "Audits," provides the procedural requirements for conducting audits and the internal audit matrix includes the conduct of Access Authorization, FFD, and Security audits. TVA Nuclear Assurance completed an audit of the security programs at BFN, SQN, and WBN in March 2007. Another set of audits are scheduled to begin late March 2008 to conclude mid-May 2008.
- TVA NPG SPP-10.7, "Housekeeping/Temporary Equipment Control," provides for controls for housekeeping, material condition, and temporary equipment at TVA nuclear sites. This procedure requires Security management/supervisor personnel conduct house keeping and safety observations of security posts on a monthly basis.

Exit Interviews

- The TVA NPG Concerns Resolution Program provides an exit interview for employees who terminate employment as part of the check out process.
- Pinkerton Government Services provides an opportunity for exit interviews of Security Officers and Supervisors who terminate employment with the company. Specific questions on the exit interview pertain to reporting security and safety-related concerns.

Methods used to report, document and address security performance issues include:

Corrective Action Program

- TVA NPG SPP-3.1 provides guidance for the TVA Nuclear Power Group corrective action program Problem Evaluation Report (PER) and establishes the processes, requirements, and responsibilities for documenting and resolving problems including adverse conditions and safety issues. PER items can include minor problems for trending to identify potentially more significant events. BFN, SQN, and WBN Security Organizations identify, report, and document issues by initiating PERs in the CAP.
- Examples of adverse security conditions include but are not limited to:
 - Potential reportable events per 10 CFR 73.71
 - Programmatic failure(s), recurring events or human errors that require management attention
 - Adverse trends in the number of security events
 - Potential or confirmed tampering, vandalism, sabotage or terrorism

Once a condition is identified and reported within the program, the issue is evaluated. The level of detail required in the evaluation is based on the significance of the issue. The significance is determined by management review in accordance with TVA NPG SPP-3.1 and Business Practice BP 250, "Corrective Action Program Handbook." Corrective actions are then initiated from the evaluation of the issue, as appropriate.

The CAP is instrumental in maintaining a SCWE and provides individuals the tools to play a vital role in maintaining a safe workplace. Employees and contractors are encouraged to utilize the CAP for a broad range of problems including inattentiveness and complicity issues. The corrective action program allows individuals to report items using their name or anonymously.

Direct Contact with Security Management and or Supervision

- Security management and/or supervisors have direct contact with security personnel at the beginning of each shift and throughout the shift during random post inspections, and at the end of shift.
- On-shift security personnel attend a shift turnover briefing prior to assuming duty.
- A Security Supervisor issues/retrieves specific security equipment to/from each officer prior to the shift and asks each officer individually if they are fit for duty prior to providing their weapon.
- Security supervisors have increased post checks/observations of security personnel.

Contact with Plant Non-Security Management and/or Supervisory Personnel

- Contractor and TVA employees receive training on the FFD (SPP-1.2) and BOP (SPP-1.3) programs during initial and annual re-qualification General Employee Training (GET). TVA has policies and procedures in place to provide personnel guidance for reporting known, suspected or potential violations of TVA policies. Employees have access to various means of reporting safety or security issues, including but not limited to:
 - Supervisory chain open door policy (supervisor, manager, plant manager, etc)
 - Corrective Action Program (name provided or anonymous)
 - Concerns Resolution Program (in person or anonymous)
 - Empowerline web-based concern reporting
 - Office of Inspector General
 - TVA Ombudsman
 - NRC

Safeguards Event Report

- The security organization maintains a log of security events/incidents which are determined to meet the criteria prescribed in Appendix G of 10 CFR 73. The log contains a description of the event, as well as the resolution of the event. Those items determined to be adverse to quality/security are entered into the CAP.
- TVA NPG SPP-1.3, "Plant Access and Security," provides the processes, requirements, and responsibilities for reporting and resolving Security Safeguards Events (SGE). This procedure provides guidance on reporting security officer inattentiveness at BFN, SQN, and WBN. The Safeguards Event Log is an effective management tool used to identify problem areas and to determine and monitor the effectiveness of corrective measures to preclude recurrence of identified problems. Completed logs are available to the NRC for review.

Self Assessments

- Self-assessments are performed to provide a structured and objective process whereby individuals, groups, and/or management evaluate the effectiveness of an organization's performance against predetermined standards and expectations. Areas for improvement identified during the self-assessment are entered into the CAP.

Nuclear Oversight/Nuclear Assurance (NA) personnel

- TVA's Nuclear Quality Assurance Plan (TVA-NQA-PLN89-A) provides a consolidated overview of the quality program controls which govern TVA's quality-related activities. A key element of the NA program is to assess activities to ensure that the plant has met the requirements of the federal regulations which serve as the condition of the operating license. The Site Security Plan is required by regulations, and therefore, subject to NA audit. NA personnel provide oversight of Security activities through audits and routine observations. Audit reports are distributed to the appropriate levels of management for review. Follow-up actions, including re-evaluation of deficient areas, are entered into the CAP.
- TVA NPG SPP-3.0, "Nuclear Assurance and Licensing," provides guidance to the TVA Nuclear Assurance and Licensing programs and ensures management independent oversight that verifies line ownership and effective implementation of the TVA NPG QA program. NA Standard Procedure NADP-2, "Audits," provides the procedural requirements for conducting audits and the internal audit matrix includes the conduct of Access Authorization, FFD, and Security audits.

Access Authorization and Fitness for Duty Programs

- These programs apply to all persons granted unescorted access to the protected area. As part of the initial and annual re-qualification GET program, personnel with unescorted access receive training on the FFD and Access Authorization programs. Contained within this material is the expectation that plant personnel report unusual behavior or suspected substance abuse by a co-worker to his/her supervisor or to site security.
- TVA NPG SPP-1.3, "Plant Access and Security," provides the processes, requirements, and responsibilities for implementation of the TVA BOP. The BOP is the primary means for determining continued trustworthiness and reliability of covered individuals including security personnel. The BOP includes behavior observation training, arrest reporting, and annual supervisor reviews.

- TVA NPG SPP-1.2, "Fitness for Duty," provides the process and requirements to provide reasonable assurance that personnel supporting the TVA Nuclear programs regarding FFD at BFN, SQN, and WBN will perform their task in a reliable and trustworthy manner, are not under the influence of any legal or illegal substances, and are not mentally or physically impaired from any cause which in any way could adversely affect their ability to safely and competently perform their duties.

Contact with Hotline and Online Reporting Web Site

- TVA maintains an Office of Inspector General (OIG) to which issues of misconduct can be reported directly, either anonymously or by name. These concerns can also be reported through the OIG EMPOWERLINE by toll free phone number or the TVA Inside Net Web Site.

Concerns Resolution Program (CRP)

- The CRP provides an alternative process for raising concerns. TVA's CRP and the Pinkerton Government Services' Employee Concerns Program (ECP) documents concerns received from the Security Organization at BFN, SQN, and WBN.
- When a concern is identified, a systematic inquiry is conducted to gather and evaluate the information in order to resolve the concern. Confidentiality and anonymity of individuals are protected to the extent possible. Actions taken to resolve the concern are documented. Any individual who feels the response is not adequate can discuss the matter with the CRP Site Specialist and/or the CRP Manager.

Contact NRC Resident Inspector or NRC Hot Line/NRC Allegation Program

- All individuals have the right to contact the NRC to report concerns. Information for contacting the NRC (NRC Form-3) is posted at various locations throughout BFN, WBN, and SQN. BFN, SQN, and WBN Security personnel as well as any other employees or contractors can report concerns directly to the NRC via the site NRC Resident Inspector or other means as described in NRC Form-3. NRC Form-3 describes the employee's rights and responsibilities for reporting concerns and provides individuals with a toll-free number to call to report concerns, the address for mailing concerns, and the electronic mail address for submitting concerns. This information is also available on the NRC web site. Training is provided on the information presented on NRC Form-3.

QUESTION 2

How do you ensure that all employees and contractors report security concerns and any perceived security conditions that reduce the safety or security of a licensee facility? How do you ensure that staff is aware that there is no retaliation for self-reporting of inattentiveness or complicity or for reporting others?

RESPONSE 2

TVA recognizes the importance of a SCWE where individuals feel free to raise safety concerns and feel confident that those concerns will be promptly reviewed and resolved with a priority appropriate to their significance.

TVA is committed to maintaining an environment where individuals' concerns and issues about safety are immediately recognized and addressed. We need everyone identifying and resolving issues in order to maintain the safe and efficient operation of our facility. TVA values an environment in which the raising of issues or expressing alternate points of view is encouraged and sought out. Equally important is that when issues are raised, TVA must take the right actions, and demonstrate that we are taking the right actions. Failure to do so discourages people from raising issues.

TVA provides initial training on the importance of a SCWE in General Employee Training (GET). The importance is reinforced through continuing training and communications from Executive management to all levels of employees.

Individuals are encouraged and expected to promptly report concerns and issues to supervision for resolution under one or more existing plant programs. These programs include the Corrective Action Program (CAP), Concerns Resolution Program (CRP), Access Authorization, and Fitness for Duty (FFD). Alternatively, the individual may report directly to any of these programs or to the NRC.

Employees and contractors with unescorted access authorization are required to adhere to all site policies and procedures. They are required to report any adverse condition to quality and safety including any perceived security conditions that reduce the safety or security of a licensee facility. TVA has used multiple levels of communication and training to ensure that personnel are cognizant of the requirement to report safety and/or security concerns. TVA is utilizing safety culture surveys, management observations, employee interviews, security group meetings, Site Alignment Meetings, all hands meetings and shift briefings to provide useful feedback about the effectiveness of TVA and contractor programs, policies, procedures, training and communications addressing the reporting of concerns. Identified areas for improvement are entered into TVA's Corrective Action Program.

Some of the methods to monitor the effectiveness of efforts to maintain a strong SCWE are:

- Security personnel at TVA's BFN, SQN, and WBN are aware of their responsibility for reporting issues/concerns and conditions. The officers are able to voice their concerns at the shift briefing. As such briefings the supervisors asks if anyone has a concern or safety issue they would like to discuss. Security Officers are visited by a supervisor during post inspections where they have an opportunity to voice concerns. Both TVA Security and Pinkerton Government Services management have increased observations and post visits, providing the officers an added opportunity to voice concerns.
- Security Officers as well as plant employees and contractors at BFN, SQN, and WBN have the opportunity to bring concerns forward either anonymously or by name through the Corrective Action Program.

Pinkerton Government Services has an employee concerns program in place that supports anonymous concerns. Pinkerton has a toll-free hotline available for personnel to use that goes outside of the local management personnel. Several individuals from BFN, SQN, and WBN voiced concerns through this program in 2007.

TVA has a concerns resolution program at each site with a Concerns Resolution representative onsite to address employee concerns. Both TVA and contract employees can use this program.

TVA's Concerns Resolution Program and Pinkerton Government Services' Employee Concerns Program provide an alternative means for individuals to identify and resolve concerns. These programs provide a reporting mechanism to ensure that concerns regarding nuclear safety, retaliation, industrial safety, or wrongdoing receive an independent evaluation using a formal structure for reporting, documenting, tracking, and resolving issues. Employees and contractors may report concerns to the CRP/ECP at any time, and may do so by name or anonymously.

Employees and contractors are made aware during in-processing and annual GET training of TVA's policy to ensure that all employees supporting TVA Nuclear Power Group (NPG) are free to express safety issues, concerns, or differing views to NPG management without fear of reprisal. This includes review of preferred and alternate methods for reporting concerns that cannot be resolved through the normal process. Formal processes for receipt, investigation, tracking and resolution of concerns are established by the CRP. This includes monitoring of concerns and corrective actions, referrals of concerns to appropriate levels of TVA NPG management or other organizational elements of the Office of Inspector General (OIG) or Office of General Counsel (OGC) when required, and feedback to employees expressing the concerns.

TVA and Contract employees have brought concerns forward through this process as documented in the Concerns Resolution database.

Concerns can be made anonymously through the TVA website, EMPOWERLINE. The site provides a link to the Office Inspector General (OIG). Individual concerns can be addressed by calling a toll free number and

speaking with a trained specialist. This option is available to both TVA and Contract employees. The website provides a method to report concerns electronically. EMPOWERLINE flyers are placed on bulletin boards throughout BFN, SQN, and WBN to provide all employees access to the information.

At the entrance to the Protected Areas and throughout the stations at BFN, SQN, and WBN bulletin boards are posted with NRC Form-3 which provides information on reporting concerns to the NRC and phone numbers are provided. There is also an Atomic Energy Act statement that covers all employees' rights to raise safety/security issues without the fear of reprisal. Phone numbers and directions are provided that cover TVA Nuclear expectation and employee/contractor responsibility to report safety or quality related concerns, contact names and numbers.

TVA provides and encourages all employees to participate in the Cultural Health Index (CHI) survey which is typically sent out two times per year. The CHI survey assesses the TVA employees' willingness to report safety related issues and evaluates the health of the SCWE. Contract employees have participated in a Synergy survey which assessed contract employees' willingness to report safety related issues and evaluated the health of TVA's SCWE.

Management initiated an independent evaluation of Security focused on SCWE. The team was comprised of individuals not associated with the security staff and included members of Concerns Resolution Program, Corporate Management, and two industry experts. Interviews were conducted at BFN, SQN, and WBN late in 2007. The interviews included questions involving the responsibility for reporting adverse conditions, reporting nuclear safety or quality concerns, and self-reporting errors regardless of consequence. The results reflected a willingness to report Nuclear Safety issues. Precursors or drivers were identified that, if not corrected, could impact the SCWE. TVA will address the identified areas for improvement to eliminate the potential impact to SCWE.

Security briefings have been conducted at BFN, SQN, and WBN addressing methods available to security officers for addressing concerns. These briefings included the responsibility to report issues, methods available to report problems, use of the corrective action program, and other options for raising concerns.

Code of Conduct letters were distributed at BFN, SQN, and WBN to security personnel. The letters included statements addressing reporting violations of the law, regulations and company policies and the understanding that their responsibility goes beyond reacting properly to wrongdoing brought to their attention.

The Concerns Resolution website states their mission and vision as:

"The Concerns Resolution Program (CRP) mission is to ensure that all employees supporting TVA Nuclear Power Group (NPG) are free to express safety issues, concerns, or differing views to NPG management

without fear of reprisal, and that all such concerns and issues are investigated and resolved in a timely manner. TVA NPG recognizes and places special emphasis on the need to resolve concerns which are important to the safe and reliable operation of its nuclear plants. Additional information can be obtained from the following [Website links]:

- TVA Commitment to Nuclear Safety
- TVA Communication Practice
- TVA Nuclear Standard Program and Processes SPP-1.0 ["Organization and Administration"] Appendix D ["Concerns Resolution Program"]

Acts of reprisal, such as intimidation, harassment, or discrimination against employees for expressing concerns or differing views will not be tolerated within TVA. TVA NPG receives, investigates, and provides for the resolution of differing views associated with the design, construction, and operation of their plants."

"Speak Up for Safety" brochures are provided to employees as part of the new hire package and are available at locations throughout BFN, SQN, and WBN. The brochure discusses traits of a strong safety culture, and explains that everyone has a responsibility for nuclear safety. Employees are encouraged to raise concerns without fear of retribution. The brochure provides a website, site phone numbers, contact information for the Office of Inspector General, the TVA Ombudsman, Employee Assistance Program, and provides information on contacting the NRC.

These policies, programs and communications provide TVA with a high level of assurance that security personnel at TVA sites are aware of their responsibility to report concerns, know the options for raising concerns and have numerous avenues to identify concerns and issues that include anonymous and outside reporting options.

It is TVA policy that retaliation of any kind for reporting of any concern, including a security issue will not be tolerated. TVA's position against retaliation is clearly documented in TVA's Principles, "Commitment to Nuclear Safety," and in TVA's Communications Practice 5, "Expressing Concerns and Differing Views." The policy of reporting problems or concerns without fear of retaliation is reinforced through initial and re-qualification GET. Also:

- TVA in 2006 conducted a Synergy survey with contract employees at BFN, SQN, and WBN to evaluate and reinforce expectations for reporting problems and concerns and that retaliation will not be tolerated.
- The EMPOWERLINE Website and flyers placed around the facilities at BFN, SQN, and WBN provide information on how to report concerns and information that acts of reprisal, such as intimidation, harassment, or discrimination against employees for expressing concerns or differing views will not be tolerated within TVA.
- TVA NPG receives, investigates and provides for the resolution of differing views associated with the design, construction, and operation of TVA plants.

QUESTION 3

How do you ensure that managers and supervisors provide oversight of BOP adherence to ensure there is no complicity to circumvent the program or failure to report wrong doing or careless disregard of the regulations?

RESPONSE 3

TVA provides initial training on the importance of SCWE and BOP programs in General Employee Training. The importance is reinforced through continuing training and communications from Executive management to all levels of employees.

Several security initiatives have been completed or are on-going to reinforce responsibilities to observe and report security related conditions adverse to quality and safety.

- Pinkerton Government Services conducted presentations with Security shift personnel in November and December 2007. Training topics included a review of industry and internal operating experience with both internal and external inattentive officer situations, human error prevention tools and the importance and requirement to raise and report issues and concerns.
- Pinkerton Government Services is conducting First Line Supervisors training which is directed at positions above the Security Officer rank. This training includes addressing safety and security concerns and ensuring that supervisors are knowledgeable on the rights of employees who report concerns. The training sessions started in December 2007 and are expected to be completed by the end of March 2008.
- Corporate TVA and Pinkerton Government Services Security representatives, in addition to the TVA Site Security and Site Pinkerton management, conduct field observations to reinforce expectations. This is an ongoing activity that increased in frequency beginning September 29, 2007. Field observations are documented.
- TVA NPG SPP-1.2, "Fitness for Duty," covers the responsibilities of all individuals to monitor their own FFD and the requirements of the program. The FFD program is audited annually by Nuclear Assurance as required by 10 CFR Part 26.
- TVA NPG SPP-1.3, "Plant Access and Security," cover the Behavioral Observation Program (BOP) and the requirements for TVA employees and contractors under this program.
- Specific training on the protection requirements and responsibilities of employees under 10 CFR 50.7 and supervisor's responsibilities has been conducted for Security supervisors.

Employees are strongly encouraged to seek resolution of concerns and differing views with their immediate supervisor and to proceed up their management chain if necessary to achieve resolution. However, differing views may be voiced to any management level at any time. TVA encourages and protects the concerns and differing views of employees regarding all aspects of TVA operations. Supervisors are responsible for ensuring Communication Practice 5 "Expressing Concerns and Differing Views" policy is implemented; communicating the policy to their employees; ensuring that differing views are heard and appropriately considered in decision-making processes; provide protective measures to encourage participation without fear of reprisal; and refer unresolved issues through the chain of command as far as necessary.

TVA oversight of SCWE and BOP programs is provided by reviews of several initiatives and programs.

- Field observations are routinely performed by management and supervisors on all work groups both TVA and Contractors for the purposes of assessing nuclear and industrial safety, and management expectations. These observations are documented.
- The BOP is included in the Nuclear Assurance audit of Access Authorization which is conducted on a biennial basis.
- A Cultural Health Index survey was performed in 2007. A key objective of the survey was to demonstrate and communicate the NPG management teams' commitment to ensuring a strong nuclear safety culture and a SCWE. Approximately 25% of that survey focused on SCWE and the safety culture. This survey has been routinely performed subsequent to the initial survey.
- TVA's NPG has a robust corrective action program used to capture and document identified SCWE issues. As an alternate path, employees and contractors have the option of anonymously entering problems/concerns into the corrective action program.

Additionally, supervisory engagement in the SCWE and BOP programs is evidenced by management directed for-cause drug and alcohol testing, post accident testing, near miss testing, psychological evaluations, EAP referrals, and Medical Review Officer (MRO) evaluations.

QUESTION 4

What are the results of any self-assessments performed within the last 2 years associated with the items above? Specifically, what do you do to assess the effectiveness of your employee access authorization program?

- a. *Provide a summary of each assessment that details the objective and the identified results of each assessment.*
- b. *Summarize any program changes and enhancements, follow-up activities and other actions you have taken as a result of each self assessment.*

RESPONSE 4

TVA has not conducted any self-assessments on Access Authorization and adherence to the BOP within the last two years. A self assessment on Access Authorization and adherence to BOP is scheduled to be completed by the end of the 4th quarter of 2008. However, TVA has conducted biennial Nuclear Assurance audits of the Access Authorization program. The audits had no significant findings pertaining to the Access Authorization program. TVA's Nuclear Assurance and the NRC conducted a thorough implementation audit of the BOP process as it was put in place.

TVA assesses the effectiveness of the access authorization program by reviewing NA audit results, NRC inspection results, trending review results, comparisons to industry operating experience, and examining departmental performance indicators.

External assessments of the Concerns Resolution Program were conducted by SYNERGY Consulting Services and the Office of Inspector General (OIG) in May of 2006.

The 2006 Nuclear Safety Cultural Assessment (NSCA), developed by SYNERGY Consulting Services, was designed to characterize the current organizational culture to determine areas of relative strength and weakness, and to identify individual organizations that depart from the industry norms and/or general performance norms at each location. The 2006 NSCA measured the culture, the work environment, and critical business processes that are or could be important to Nuclear Safety performance. In this regard the NSCA included coverage of attitudes and perceptions of the CRP effectiveness.

Management initiated an evaluation of Security focused on SCWE by an independent team. The team was comprised of individuals not associated with the security staff and included members of Concerns Resolution Program, Corporate Management, and two industry experts. Interviews were conducted at BFN, SQN, and WBN late in 2007. The interviews included questions involving the responsibility for reporting adverse conditions, reporting nuclear safety or quality concerns, and self-reporting errors regardless of consequence. The results confirmed a willingness by security personnel to report Nuclear Safety issues. Precursors or drivers were identified that, if not

corrected, could impact the SCWE. TVA will address the identified areas for improvement to eliminate the potential impact to SCWE.

The TVA CRP recently incorporated into the CRP staff instruction directions to perform a periodic self-assessment of the CRP. Current plans are to perform a self-assessment during 2008 to baseline recent enhancements of the program.

The Corrective Action Program (CAP) is the principle tool used by TVA to identify problems and assign appropriate corrective actions. Oversight of this program has been performed at varying levels by the site Management Review Committees. Recent NRC and TVA Nuclear Assurance assessments of this program have not revealed significant program weaknesses. Notwithstanding, TVA recognizes that CAP improvements are essential to improving performance across the fleet. An ongoing initiative will soon be implemented to strengthen management oversight of the program using consistent program metrics and a focused Corrective Action Review Board. Timely and effective identification and resolution of problems before they become significant are key elements of this program initiative.

QUESTION 5

How do you assess the effectiveness of your oversight of contractors and subcontractors?

RESPONSE 5

TVA does not differentiate between licensee employees and contractors or subcontractors regarding the implementation of access authorization, FFD, behavior observation, or SCWE.

TVA requires that contractors and subcontractors who are granted unescorted access authorization adhere to all site policies and procedures including the requirement to report security officer inattentiveness.

TVA assesses the effectiveness of its oversight of contractors and subcontractors through surveys, the corrective action program, human performance evaluation results, field observations, management observations, and nuclear oversight observations.

ENCLOSURE 2

LIST OF COMMITMENTS

1. TVA will complete revision of the Fatigue Lesson Plan by April 18, 2008.
2. TVA will perform a Nuclear Assurance audit of Security by mid-May 2008.
3. TVA will perform a self-assessment on Access Authorization and adherence to Behavior Observation Program by the end of the 4th quarter of 2008.