



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0198

Report Nos. 50-259/93-46, 50-260/93-46, and 50-296/93-46

Licensee: Tennessee Valley Authority
6N 38A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Docket Nos. 50-259, 50-260
and 50-29

License Nos. DPR-33, DPR-52,
and DPR-68

Facility Name: Browns Ferry 1, 2, and 3

Inspection Conducted: October 28-29 and December 21, 1993

Inspector: Orysia M. Masnyk 1-12-94
Orysia M. Masnyk, Safeguards Specialist Date Signed

Approved by: David R. McGuire 1-12-94
David R. McGuire, Chief Date Signed
Safeguards Section
Nuclear Materials Safety and Safeguards Branch
Division of Radiation Safety and Safeguards

SUMMARY

Scope:

This special, announced inspection was conducted in the area of the licensee's Access Authorization Program. The inspector reviewed the licensee's Program to determine whether the licensee acted in accordance with NRC requirements with regard to the withdrawal of an individual's access authorization.

Results:

In the area inspected, violations were not identified. In the particular case reviewed, the licensee acted in accordance with the provisions of their Access Authorization Program which met the requirements of 10 CFR 73.56.

REPORT DETAILS

1. Persons Contacted

Licensee Employees

*C. Kelly, Protective Services Manager

*R. Thompson, Manager, Personnel Security

Other licensee employees contacted during this inspection included security force members, administrative personnel, Personnel Security and Medical Services personnel.

*Were involved in the teleconference Exit Interview on December 21, 1993.

2. Access Authorization Program

The applicable NRC regulation, 10 CFR Part 73.56, Personnel Access Authorization Requirements for Nuclear Power Plants, became effective on May 28, 1991. This "Access Authorization Rule" (AAR) is further discussed in Regulatory Guide 5.66, Access Authorization Program for Nuclear Power Plants, dated June 1991, and the Industry Guidelines for Nuclear Power Plant Access Authorization Programs (NUMARC 89-01), dated August 1989. By Revision 19, April 3, 1992, the licensee committed to 10 CFR Part 73.56 in its Physical Security Plan. The licensee implemented its program via Nuclear Power Standard 11.1, Providing Access Clearance for Nuclear Plants and Safeguards Information, Revision 2, dated June 23, 1993.

The licensee's AAR Program is required by 10 CFR 73.56 to include: a) a background investigation (to identify past actions indicative of future reliability), b) a psychological assessment (to evaluate current psychological characteristics bearing on an individual's trustworthiness and reliability), and c) a behavior observation program (to detect behavioral changes which, if left unattended, could lead to acts detrimental to the public health and safety). The licensee is also required by 10 CFR 73.56 to inform individuals of the grounds for the revocation of their access and to allow the individual the opportunity to provide additional relevant information. The affected individual is also given an opportunity for an objective review of the information upon which the revocation was based.

In publishing the AAR (56 Federal Register 18997, April 25, 1991) the NRC stated that the Rule did not preclude a licensee from denying access to an employee for reasons other than those addressed in the AAR and that the ultimate responsibility for granting unescorted access rests with the licensee, provided NRC requirements are met.

3. Access Authorization Program Implementation

The inspector reviewed the licensee's program with respect to one case where access was terminated to determine if 1) access was appropriately revoked based on the following, 10 CFR 73.56 (b) ii and iii; which contains the requirements for a psychological assessment and detection of behavioral changes that the licensee believes could lead to acts detrimental to the public health and safety and, 2) if an impartial review was conducted as required by the following, 10 CFR 73.56(e); which contains the requirement for an impartial and independent internal management review.

The inspector reviewed records pertaining to background investigation, access authorization revocation, results of psychological evaluation, and the appeal process. Pertinent personnel were interviewed. This review disclosed the following:

- May 1, 1992: The individual was arrested by the Limestone County Sheriff's Department for various motor vehicle violations and was subsequently referred to TVA's Medical Services for a psychological evaluation. At this time the individual's picture badge and key card was pulled precluding site access in accordance with the licensee's procedure.
- May 4, 1992: The individual met with Behavioral Sciences at the Browns Ferry site. A Minnesota Multiphasic Personality Inventory (MMPI) test was administered and a clinical interview was conducted.
- May 8, 1992: The individual's unescorted access was revoked for failure to fall within the licensee's guidelines for unescorted access. The individual appealed the revocation.
- May 13, 1992: TVA sent a letter to the individual delineating the reasons for the withdrawal of the individual's Medical Approval and advising him that he could appeal the decision.
- May 15, 1992: TVA sent two letters to the individual advising that his Medical Approval and security clearances were revoked. The individual was advised that he could appeal the first revocation with Health Services and the second with the Screening Review Board.
- June 1, 1992: TVA sent a letter to the individual stating that the revocation of his Medical Approval had been reviewed and that the decision to revoke had been upheld.
- June 10, 1992: TVA Browns Ferry Technical Support Services sent a letter to the individual proposing his termination in 30 days. The individual was offered an opportunity to file a grievance. The individual appealed to the Merit Systems Protection Board (MSPB).

- November 23, 1992: A telephone meeting was held by the MSPB concerning the individual's appeal.
- December 2, 1992: The MSPB made the decision that the individual was afforded due process in the revocation of his clearance and subsequent termination.
- September 2, 1993: An order was issued by the MSPB denying the individual's petition for review of the December 2, 1992 decision.

Based on a review of documentation and discussions with licensee staff, it was determined that TVA acted in accordance with its Access Authorization Program consistent with the requirements of 10 CFR 73.56.

4. Exit Interview

The inspection scope and results were summarized on December 21, 1993, by teleconference with those persons indicated in Paragraph 1. The inspector described the areas inspected and discussed in detail the inspection results. Dissenting comments were not received from the licensee.