

EDWARD J. MARKEY  
MASSACHUSETTS

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## United States Senate

SUITE SD-255  
DIRKSEN BUILDING  
WASHINGTON, DC 20510-2107  
202-224-2742

975 JFK FEDERAL BUILDING  
15 NEW SUBURY STREET  
BOSTON, MA 02203  
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312  
FALL RIVER, MA 02721  
508-677-0523

1550 MAIN STREET, 4TH FLOOR  
SPRINGFIELD, MA 01103  
413-785-4610

July 24, 2019

The Honorable Kristine L. Svinicki  
Chairman  
Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Svinicki,

I write regarding a serious safety concern raised by several employees of the Tennessee Valley Authority (TVA). A strong culture of safety should be a top priority for the Nuclear Regulatory Commission (NRC), yet repeated complaints call into question the NRC's willingness and ability to support a positive and healthy work environment at TVA. Although TVA operates only 5 percent of the nuclear sites in the United States, TVA employees are responsible for 42 percent of the allegations brought to the NRC for resolution so far this year.<sup>1</sup>

A Confirmatory Order in December 2009 (EA-09-009) and follow-up Confirmatory Order in July 2017 (EA-17-022) detail how TVA management has allowed a "chilled work environment"—defined as "one in which employees perceive that raising safety concerns to their employer or to the NRC is being suppressed or discouraged"<sup>2</sup>—to develop at multiple sites.

However, rather than strengthen independent reporting avenues, TVA reportedly removed all staff working on its Employee Concerns Program (ECP) and announced significant changes to this program in May 2019. According to employees, prior to these changes, the ECP was "independently empowered to investigate nuclear safety and quality concerns, along with allegations of harassment or intimidation for raising those concerns," and served as "the alternate avenue to management when an employee's safety issue was not already resolved by the chain of command."

Under the recently announced changes, TVA now requires employees with concerns to take them to line management rather than to these independent staff. That is an alarming shift, one

<sup>1</sup> <https://www.nrc.gov/about-nrc/regulatory/allegations/stats/4-rx-onsite-rcvd.pdf>.

<sup>2</sup> NRC Inspection Procedure 93100.

that is likely less effective for raising and resolving concerns, especially considering that TVA management is already under ongoing scrutiny for fostering a chilled work environment. A 2018 TVA Office of the Inspector General Report found that 31 percent of Nuclear Oversight employees in non-management roles did not feel free to raise concerns or problems without fear of retaliation.<sup>3</sup>

The TVA staff and the communities near TVA plants deserve management that prioritizes safety, not suppression. In the absence of a functioning and independent safety concern reporting system at TVA, the NRC must step in to protect workers and ensure the safe operations at TVA nuclear plants.

I request that NRC conduct an inquiry into this conduct and, by August 7, 2019, provide answers to the following questions:

1. Has the NRC communicated or will the NRC communicate directly to TVA employees about their ability to raise concerns to the NRC, instead of going through TVA channels, if they are afraid of interference or retribution?
  - a. If not, why not?
  - b. If yes, please describe and provide examples of these communications.
2. Does the NRC believe that TVA's new ECP program ensures that employees have an independent channel to report concerns, without interference or retribution from TVA management?
  - a. If yes, please describe how the new program is consistent with the Confirmatory Orders and ECP best practices, including how the NRC made this determination.
  - b. If not, please describe the steps that NRC is taking to require TVA to improve upon its employee-concern reporting practices.
3. Is the NRC aware of any changes that TVA has made to ameliorate the chilled work environment detailed in the 2018 TVA Office of Inspector General report?
  - a. If yes, please describe these changes.
  - b. If no, please explain why the NRC is not concerned by reports of a chilled work environment in the Nuclear Oversight group.
4. Does the NRC believe that removing ECP employees will improve or worsen the chilled work culture repeatedly found at TVA plants?
  - a. If yes, please explain what actions NRC will take in response to these changes.
  - b. If not, please explain why not.

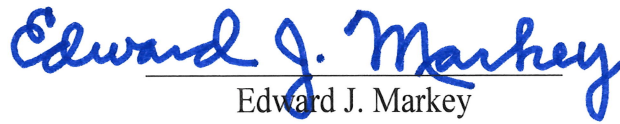
Our nuclear plants must be operated at the highest level of safety, and employees at those plants are our first line of defense against disaster. If plant employees do not feel empowered, secure,

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<sup>3</sup> <https://oig.tva.gov/reports/18rpts/2018-15541.pdf>.

and heard when elevating their concerns, unsafe plant operations may continue uninterrupted. I appreciate your prompt response to this inquiry, and please contact Avenel Joseph in my office at 202-224-2742 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Edward J. Markey  
United States Senator