

**Responses to Questions
Senator Edward J. Markey
Letter dated July 24, 2019**

- 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.**

Yes, the NRC staff has communicated and continues to communicate with the TVA employees that they can raise concerns to the NRC. Additionally, the NRC requires licensees to prominently post NRC Form 3, "Notice to Employees," which describes protected activities and explains how allegations of licensee violations can be reported directly to the NRC. The form provides information to employees about their rights and responsibilities regarding safety concerns. NRC inspectors verify that these forms are posted as required. NRC inspectors (both resident inspectors, who work onsite, and visiting inspectors performing focused inspections) are available at each nuclear power plant to receive allegations from licensee staff. Based upon the use of these avenues to raise concerns by employees at TVA's plants, the NRC believes these communications are effective.

- 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.**

The NRC expects TVA to establish and maintain a safety-conscious work environment (SCWE) that encourages employees to raise safety concerns to their management, free of any fear of reprisal for doing so, as outlined in the NRC's Safety Culture Policy Statement. However, the NRC does not require licensees to have specific programs to accomplish this. The Confirmatory Orders issued by the NRC to TVA do not dictate how the Employees Concern Program (ECP) is to be administered. These orders do require that exit interviews with ECP staff be offered to employees and that ECP staff be trained on employee protections and SCWE.

The NRC inspects TVA's SCWE through the biennial Problem Identification and Resolution inspections. These were most recently conducted at Browns Ferry in late 2018, and Sequoyah and Watts Bar in 2019. The NRC also inspects and investigates claims of discrimination, including retribution for protected activities, including the reporting of employee concerns, when such instances are raised by individual employees. Such discriminatory practices are prohibited by regulation and are subject to enforcement actions by the NRC.

- 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.**

Enclosure

The NRC's primary interest is that licensees' employees feel free and encouraged to raise safety concerns. The NRC conducted a SCWE inspection of the Nuclear Oversight group in June 2019 and did not find evidence of challenges to a SCWE. As a part of this inspection, NRC interviewed 12 individuals, over 50 percent of the group's members, and asked whether they were willing to raise safety concerns through at least one of the channels available to them. The NRC noted that they were willing to raise nuclear safety concerns through at least one of the avenues available (e.g., the Corrective Action Program at their specific TVA facility, supervisors, ECP, TVA OIG, or NRC).

- 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.**

In late spring 2019, the NRC conducted inspections and interviews at all three of TVA's nuclear power plants and its corporate headquarters to gauge the SCWE and the perception that TVA employees had regarding the ECP changes. These interviews with staff from various departments throughout the TVA fleet indicated that the changes to the ECP did not have a discernable impact on employees' inclination to raise nuclear safety concerns or to use the ECP to raise such concerns. The NRC will evaluate the SCWE of the TVA fleet during the Confirmatory Order follow-up inspections at Watts Bar in October 2019 and at Browns Ferry in November 2019.