



September 27, 2019

NRC:19:024

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Response to a Notice of Violation (EA-18-119)

Reference 1: Letter, Mr. George A. Wilson (NRC) to Mr. Craig Ranson (Framatome Inc.),
"Framatome – Notice of Violation (Office of Investigations Report No. 2-2017-024), EA-18-119, September 12, 2019.

Framatome Inc.'s (Framatome's) response to a Notice of Violation (Reference 1) is enclosed as Attachment A. As discussed in the attachment, certain corrective actions have already been taken while other actions are in the process of being taken. Framatome is confident that these corrective actions will prevent further violations in this area.

Framatome understands and appreciates that violations for discriminating against employees for raising safety concerns are extremely serious because of the potential that other individuals might not raise safety issues for fear of retaliation. Framatome has no higher priority than safety and protection of its workers. Framatome agrees with NRC's goal of ensuring a safe environment for all of its workers in which to report concerns. Framatome has extensive programs in place to ensure a safety conscious work environment and strong positive nuclear safety culture. As NRC acknowledged in its Notice of Violation (NOV), Framatome took quick action in this case to address the situation for the employee involved to ensure he suffered no adverse action and has already taken corrective actions to improve its training and procedures to assure its safety conscious work environment is maintained and strengthened.

In closing, please be assured that Framatome is and will remain focused on ensuring nuclear safety for the company, its employees, its customer and the community at large. If you have any questions or concerns about this reply, please do not hesitate to contact me by telephone at (434) 832-3566, or by e-mail at Craig.Ranson@framatome.com.

Sincerely,

A handwritten signature in black ink that reads "Craig Ranson".

Craig Ranson, Senior Vice President
Installed Base America
Framatome Inc.

Framatome Inc.
3315 Old Forest Road
Lynchburg, VA 24501
Tel: (434) 832-3000

www.framatome.com

c: Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
245 Peachtree Center Ave., N.E.
Suite 1200
Atlanta, GA 30303

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington DC 20555-0001

NRC Resident Inspector

G.M. Mignogna
V. Montalbano
G. Peters

Attachment A

(1) The reason for the violation, or, if contested, the basis for disputing the violation or severity level:

The NRC determined, based on their investigation, that a Framatome contract employee's assignment was deliberately cancelled, in part, because the contract employee entered a concern into a licensee's corrective action program.

Framatome accepts the finding of the NRC. However, as discussed at the Predecisional Enforcement Conference (PEC) in February and based on the information provided then and to subsequently, Framatome respectfully disagrees with NRC's conclusion that any Framatome manager "willfully discriminated" against its employee for raising a safety concern. Nonetheless, in light of OE's recognition of Framatome's comprehensive corrective actions and the absence of a civil penalty associated with the violation, and in recognition that this matter occurred over two years ago, Framatome believes accepting the violation and moving forward is the most productive path forward.

As shown at the PEC and in the contemporaneous documents provided, Framatome managers sought to comply with, rather than willfully violate, the Company's own policies and NRC employee protection requirements. Specifically, the senior Framatome manager consulted with Framatome's ECP before taking any action. Framatome managers worked promptly to ensure the worker did not suffer any loss of work or income. In fact, he received valuable work and training that provided additional work opportunities beyond what he might have received had he continued to Turkey Point. Framatome managers met with the worker and explained the reason for the reassignment. NRC's unexplained conclusion of willfulness on the part of Framatome fails to consider, less refute this overwhelming evidence. Indeed NRC cited no Framatome manager for a willful violation. Regardless of NRC's conclusion regarding the intent of the FPL executive who initially challenged the Framatome worker continuing to the Turkey Point outage, the evidence does not support willfulness on the part of any Framatome manager involved in this event.

(2) The corrective steps that have been taken and the results achieved:

Putting aside Framatome's disagreement with NRC's findings in this matter, Framatome fundamentally respects the investigatory process and the important job of NRC to ensure that all licensees and vendors comply with the law, specifically with respect to maintaining a healthy nuclear safety culture and Title 10 of the Code of Federal Regulations (10 CFR) 50.7, "Employee protection." Therefore, Framatome accepts the NRC findings and looks forward to further strengthening its Safety Conscious Work Environment. In addition to the prompt corrective actions that Framatome took when NRC OE initially contacted Framatome, NRC has noted and given credit to Framatome for initiating the following additional corrective actions:

- 1) Follow up SCWE surveys to review effectiveness of actions in areas of concern (Complete)

Results achieved: Follow-up SCWE surveys determined that our employees feel free to raise nuclear safety concerns without fear of harassment, intimidation, retaliation, or discrimination.

- 2) Formalize Framatome's practice for prior SCWE review of personnel changes to include non-disciplinary reassignments of customer task leads and above (In process)

- 3) Develop and deliver training to Framatome management personnel to include a case study on recent industry events (Complete)

Results achieved: Framatome management personnel received training, including case studies, on recent industry events pertaining to SCWE and chilled environment. The training was well received by Framatome management personnel.

- 4) Include refresher training on SCWE expectations and condition reports in pre-outage on-boarding to include effective communications and condition reporting (Complete)

Results achieved: Refresher training on SCWE expectations and condition reports, including effective communications and condition reporting, was included in pre-outage on-boarding packages for information and referencing.

- 5) Develop guidance for monitoring and combatting burnout for "non-covered" outage supervisors (In process)

The above corrective actions will continue to be a part of Framatome's formal SCWE program.

(3) The corrective steps that will be taken to avoid further violations:

The corrective steps identified in section (2) that are in process will be completed to avoid further violations.

(4) Your plan and schedule for completing short and long term corrective actions:

The corrective steps identified in section (3) will be completed by December 31, 2019.

(5) The date when full compliance will be achieved:

Full compliance will be achieved December 31, 2019.