

From: Hon, Andrew
Sent: Thursday, January 9, 2020 2:45 PM
To: Billie Garde
Cc: sshepherd@cliffordgarde.com
Subject: Status update of 2.206 petition regarding TVA ECP Changes

Ms. Garde,

The inspection report to which I referred in my previous email was issued to TVA on December 23, 2019 and is publicly available in ADAMS (Accession No. ML19357A240). Please let me know if you have trouble accessing it from the NRC website.

The Petition Review Board continues to evaluate your petition and anticipates providing you with our initial assessment this month. You will also be offered an opportunity to provide information to the 2.206 Board.

Best regards,

Andy Hon, Petition Manager

From: Billie Garde <bpgarde@cliffordgarde.com>
Sent: Tuesday, December 17, 2019 2:03 PM
To: Hon, Andrew <Andrew.Hon@nrc.gov>
Cc: Sandy Shepherd <sshepherd@cliffordgarde.com>
Subject: [External_Sender] Re: Status update of 2.206 petition regarding TVA ECP Changes

Thank you for your update. I had not heard from you on this for some time. I have not had the opportunity to update the Agency on the further impact of the new Program and its implementation; the lack of qualified and competent ECP staff currently occupying the positions, and the results of any investigations being done into issues filed in the formal DOL complaints. Is there a further opportunity for me to also provide information to the 2.206 Board?

Sent from my iPhone

On Dec 17, 2019, at 1:34 PM, Hon, Andrew <Andrew.Hon@nrc.gov> wrote:

Ms. Garde,

The NRC staff has been evaluating the petition you submitted on July 2, 2019, pursuant to 10 CFR 2.206, regarding changes to TVA's employee concerns program (ECP). Our understanding is that your concerns with TVA's changes to its ECP involve the potential impact to TVA's safety conscious work environment (SCWE) and employees' willingness to raise concerns at TVA facilities. We wish to keep you updated on the status of our evaluation.

The NRC staff has been and continues to evaluate the SCWE at NRC-regulated facilities, such as TVA's nuclear power plants. After the "Chilling Effect Letter"

(CEL) of March 2016 and Confirmatory Order (CO) of July 2017 to TVA, the NRC conducted follow-up inspections in February and June 2018 on TVA's improvement progress. Since your July petition, the NRC also performed a previously planned SCWE follow-up inspection at Watts Bar Nuclear Plant in October 2019. The purpose of this most recent inspection was to assess whether TVA met the criteria for closing the CEL. This inspection reviewed TVA actions including site management changes, Employee Concerns Program (ECP) changes (the subject of your petition), SCWE training, independent safety culture assessments, and new sitewide programs (nuclear safety culture monitoring panel, employee issue tracking matrix, and ECP pulsing, etc.).

The associated inspection report which details the most recent inspection findings has not been issued yet, but we will provide the inspection report accession number to you when it is issued. At that time, we will also provide you with the Petition Review Boards' decision regarding the acceptance of the petition you submitted.

Thank you for your continued interest in the safety culture at TVA.

Andy Hon, Petition Manager

From: Billie Garde <bpgarde@cliffordgarde.com>

Sent: Friday, July 05, 2019 2:20 PM

To: Hon, Andrew <Andrew.Hon@nrc.gov>

Cc: Sandy Shepherd <sshepherd@cliffordgarde.com>

Subject: [External_Sender] RE: Screening result of 2.206 petition regarding TVA ECP Changes

Andrew, Thank you for this, which is really an excessively bureaucratic processing of concerns in a manner that does nothing to protect public health and safety. However, I can't understand what you are talking about. When I read the first paragraph of your email, it sounds like the NRC isn't doing anything about anything because the NRC has so contrived the review of allegation process that unless there is an ongoing melt down – nothing seems to be considered “an immediate safety concern to a regulated facility or to the health and safety of the public.”

But when I read your second paragraph it look like the Agency is still considering something. In the meantime, the ECP program has continued to be decimated by TVA leadership, the ECP employees are now being publicly humiliated by being forced out of their jobs, TVA continues to lie about them receiving job offers, and the NRC continues to do nothing.

What issues are still being considered?

And, I did not receive any response to my email of Tuesday, July 2, 2019 regarding the 2.206. Please clarify.

Billie Garde

From: Hon, Andrew <Andrew.Hon@nrc.gov>
Sent: Friday, July 05, 2019 7:52 AM
To: 'Billie Garde' <bpgarde@cliffordgarde.com>
Cc: Buckberg, Perry <Perry.Buckberg@nrc.gov>; Shoop, Undine <Undine.Shoop@nrc.gov>; Carpenter, Robert <Robert.Carpenter@nrc.gov>; Welling, Blake <Blake.Welling@nrc.gov>
Subject: Screening result of 2.206 petition regarding TVA ECP Changes

Ms. Garde,

I am writing to inform you of the results of the NRC staff evaluation of your request for immediate action under 10 CFR 2.206. Specifically, in your letter dated June 4, 2019, you requested that the NRC immediately take three actions: issue an announcement to TVA employees regarding employee rights to raise safety concerns, require TVA to stop conversion of its Employee Concern Program (ECP), and require that TVA present its new ECP program to the NRC and to the public. The NRC staff reviewed these immediate action requests and concluded, in accordance with Section II.B.1 of Management Directive (MD) 8.11 (ML18176A147), that the requests do not warrant immediate action because they do not demonstrate an immediate safety concern to a regulated facility or to the health and safety of the public.

The NRC staff has also performed a 2.206 Petition Screening using the nine criteria defined in Section II.A.2(d) of MD 8.11. The portions of your petition that assert potential violations of the NRC's employee protection regulations at 10 CFR 50.7 screen out of the 2.206 process because they either relate to issues that are already being considered in other NRC processes or have been transferred to other NRC processes, for which cognizant NRC staff will contact you. With respect to your three requested actions, the first request, that the NRC provide additional notice to TVA employees regarding employee concerns, is screened out of the 2.206 process under criterion v because it is not a request for the NRC to take an enforcement-related action (such as to modify, suspend, or revoke a license). The two remaining requests in your petition, however, will be considered by a Petition Review Board (PRB). The NRC staff is convening a PRB to evaluate your petition using the MD 8.11 petition evaluation criteria.

We will keep you updated regarding the status of our review of your petition.

Thank you.

Andy Hon, Petition Manager

Hearing Identifier: NRR_DRMA
Email Number: 422

Mail Envelope Properties (BY5PR09MB4787266315B7999398F53E7C99390)

Subject: Status update of 2.206 petition regarding TVA ECP Changes
Sent Date: 1/9/2020 2:45:17 PM
Received Date: 1/9/2020 2:45:00 PM
From: Hon, Andrew

Created By: Andrew.Hon@nrc.gov

Recipients:
"sshepherd@cliffordgarde.com" <sshepherd@cliffordgarde.com>
Tracking Status: None
"Billie Garde" <bpgarde@cliffordgarde.com>
Tracking Status: None

Post Office: BY5PR09MB4787.namprd09.prod.outlook.com

Files	Size	Date & Time
MESSAGE	7466	1/9/2020 2:45:00 PM

Options
Priority: Normal
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date: