



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II**

245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

February 15, 2018

Joseph W. Shea, Vice President
Nuclear Regulatory Affairs and Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A
Chattanooga, TN 37402-2801

**SUBJECT: PUBLIC MEETING SUMMARY – WATTS BAR NUCLEAR PLANT –
DOCKET NOS. 50-390 AND 50-391**

Dear Mr. Shea:

This refers to the meeting conducted, at your request, at the NRC Region II office, Atlanta GA, on February 9, 2018, at 1:00 p.m. EDT. The meeting's purpose was to hold a discussion regarding the need for a clarification or modification request to be submitted by Tennessee Valley Authority (TVA) for the 2017 Confirmatory Order (ML17208A647). Specifically, TVA has identified areas where it seeks clarification of previously issued Confirmatory Orders in order to ensure compliance with the Orders and TVA intends to formally request modification to the Confirmatory Orders EA-17-022 and EA 09-009, 203. Enclosed are a list of attendees and the presentation handout.

This letter, its enclosure, and your response (if any) will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with 10 CFR 2.390, "Public Inspections, Exemptions, and Requests for Withholding."

Please contact me at (404) 997-4465 with any questions you may have regarding this letter.

Sincerely,

/RA/

Anthony D. Masters, Chief
Reactor Projects Branch 5

Enclosures:

1. List of Attendees
2. Handout – NRC Public Meeting
Regarding Confirmatory Order Modification

cc Distribution via ListServ

SUBJECT: PUBLIC MEETING SUMMARY – WATTS BAR NUCLEAR PLANT –
DOCKET NOS. 50-390 AND 50-391 February 15, 2018

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ATTENDANCE LIST

DATE: February 9, 2018

MEETING TITLE/PURPOSE: Tennessee Valley Authority (TVA) Requesting Public Meeting for Clarification or Possible Modification of the 2017 Confirmatory Order Requirements

LOCATION: Region II Office

Name	Organization
JOE SHEA	TVA
Erin Henderson	TVA
Steve Bethay	TVA
Kimberly Hulvey	TVA
JOE CALLE	TVA
CHRISTOPHER GUNTER	TVA
JAMES POLICKO SKI	TVA
Anthony Masters	NRC
Sarah Price	NRC
Joel Munday	NRC
Cathy Hawley	NRC
Jamin Seat	NRC

ATTENDANCE LIST

DATE: February 9, 2018

MEETING TITLE/PURPOSE: Tennessee Valley Authority (TVA) Requesting Public Meeting for Clarification or Possible Modification of the 2017 Confirmatory Order Requirements

LOCATION: Region II Office

Name	Organization
Mark Kowal	NRC Region II
Melanie Checkle	NRC Region II
SON NINH	NRC REGION II
Laura Duos	NRC - Region II
MARK FRANKIE	NRC - Region II
Paul DiGiouvanna	TVA

ATTENDANCE LIST

DATE: February 9, 2018

MEETING TITLE/PURPOSE: Tennessee Valley Authority (TVA) Requesting Public Meeting for Clarification or Possible Modification of the 2017 Confirmatory Order Requirements

LOCATION: Region II Office

Name	Organization
SCOTT SPARKS	NRC
Lisamarie L. Jarriel	NRC, HQ
Jared Nadel	NRC
Stephanie Morrow	NRC
Brad Bishop	NRC
Sandra-Mendez	NRC



TVA Presentation

NRC Public Meeting regarding
Confirmatory Order Modification
February 9, 2018

Purpose

- TVA has identified areas where it seeks clarification of previously issued Confirmatory Orders in order to ensure compliance with the Orders
- TVA intends to formally request modifications to Confirmatory Orders EA-17-022 and EA 09-009, 203.

EA-17-022 Current Status

- In June 2017, TVA utilized ADR to address apparent violations documented in the Watts Bar PI&R Report (March 2017).
- TVA committed to actions in the following areas:
 - Communications
 - Training
 - Work Processes
 - Independent Oversight
 - Assessing and Monitoring Nuclear Safety Culture and Safety Conscious Work Environment
- Of the 31 individual actions, the NRC recently inspected 23 actions.

Order EA-17-022; V.1.c.5

- **Current Confirmatory Order Requirement:**

Within six months following issuance of the CO, TVA shall revise Nuclear Safety Culture Monitoring guidance to incorporate a requirement for the Senior Leadership Team to conduct a review of Adverse Employment Actions to identify potential trends that could impact an organization's nuclear safety culture.

- **Proposed Confirmatory Order Requirement:**

Within six months following issuance of the CO, TVA shall revise Nuclear Safety Culture Monitoring guidance to incorporate a requirement for the Senior Leadership Team to conduct a review of Adverse Employment Actions described in V.1.c.1) to identify potential trends that could impact an organization's nuclear safety culture.

Basis for Modification

- TVA proposes the modification because:
 - The modified requirements ensure consistency with Section V.1.c.1 of EA-17-022 where adverse actions that require an executive review board are defined.
 - This change is consistent with TVA's perspective of the required intent during ADR.

Order EA-17-022; V.1.d.1

- **Current Confirmatory Order Requirement:**
The audit shall include reviewing all adverse employment actions periodically attending ERBs, reviewing chilling effect mitigation plans, and providing recommendations as appropriate.
- **Proposed Confirmatory Order Requirement:**
The audit shall include reviewing all adverse employment actions described in V.1.c.1, periodically attending ERBs, reviewing chilling effect mitigation plans, and providing recommendations as appropriate.

Basis for Modification

- TVA proposes the modification because:
 - The modified requirements ensure consistency with Section V.1.c.1 of EA-17-022 where adverse actions that require an executive review board are defined.
 - This change is consistent with TVA's perspective of the required intent during ADR.

Order EA-09-009, 203; V.1

- **Current Confirmatory Order Requirement:**
By no later than ninety (90) calendar days after the issuance of this Confirmatory Order, TVA shall implement a process to review proposed licensee adverse employment actions at TVA's nuclear plant sites before actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed actions could negatively impact the SCWE. Such a process should consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce.

Order EA-09-009, 203; V.1

- Proposed Confirmatory Order Requirement:
By no later than ninety (90) calendar days after the issuance of this Confirmatory Order, TVA shall implement a process to review proposed licensee adverse employment actions to include suspensions (one or more days off without pay), terminations for cause, involuntary reduction in force, and no-fault terminations of employment at TVA's nuclear plant sites before actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed actions could negatively impact the SCWE. Such a process should consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce.

Order EA-09-009, 203; V.1

- Current Confirmatory Order Requirement:
By no later than one hundred twenty (120) calendar days after the issuance of the confirmatory order, TVA shall implement a process to review proposed significant adverse employment actions by contractors performing services at TVA's nuclear plant sites before the actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed action could negatively impact the SCWE. Such a process will likewise consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce.

Order EA-09-009, 203; V.1

- Proposed Confirmatory Order Requirement:

By no later than one hundred twenty (120) calendar days after the issuance of the confirmatory order, TVA shall implement a process to review proposed significant adverse employment actions by contractors performing services at TVA's nuclear plant sites to include suspensions (one or more days off without pay) and terminations for cause before the actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed action could negatively impact the SCWE. Such a process will likewise consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce. In the case of a suspension or termination of access authorization that may be associated with an adverse employment action, or where a contractor did not provide notification to TVA of a significant adverse employment action until after it had occurred, process review may occur after the adverse employment action has been taken.

Order EA-17-022; V.1.c.1

- **Current Confirmatory Order Requirement:**
By no later than six months after the issuance of the CO, TVA shall maintain a uniform process to ensure independent management review of all proposed adverse actions in accordance with the procedure. This process shall be executed by an ERB chaired by a TVA Vice President or above. The ERB shall, at a minimum, review proposed adverse employment actions to include suspensions (one or more days off without pay), terminations for cause, involuntary reduction in force, and no-fault terminations of employment.

Order EA-17-022; V.1.c.1

- Proposed Confirmatory Order Requirement:

By no later than six months after the issuance of the CO, TVA shall maintain a uniform process to ensure independent management review of all proposed adverse actions in accordance with the procedure. This process shall be executed by an ERB chaired by a TVA Vice President or above. The ERB shall, at a minimum, review proposed adverse employment actions to include suspensions (one or more days off without pay), terminations for cause, involuntary reduction in force, and no-fault terminations of employment. In the case of a suspension or termination of access authorization that may be associated with an adverse employment action, or where a contractor did not provide notification to TVA of a significant adverse employment action until after it had occurred, process review may occur after the adverse employment action has been taken.

Basis for Modifications

- TVA proposes the modifications to EA-09-009, 203 and EA-17-022 because:
 - The modified requirement provides consistency between EA-09-009 and EA-17-022.
 - The modified requirement provides clarification to ensure that TVA meets both the requirements of the Confirmatory Orders and Access Authorization requirements.

Order EA-09-009, 203; V.9

- Current Confirmatory Order Requirement in EA-09-009, 203 Section V.9:

By no later than ninety (90) calendar days after the issuance of this Confirmatory Order, TVA shall revise its training program for new supervisors to incorporate a classroom discussion of the NRC's employee protection rule and the Company's policy on SCWE.

Order EA-09-009,203; V.9

- Current Confirmatory Order Requirement in EA-17-022:

2) The training [as described in V.1.b.1] will be provided within one year and on an annual basis thereafter, to, at a minimum, all working status nuclear business group *supervisory employees, contractor supervisory employees* involved in nuclear related work activities, human resource staff involved in the adverse employment action process, employee concerns program staff, contract technical stewards for nuclear related work activities, and the personnel in the TVA Office of General Counsel who are engaged in nuclear related work activities.

3) *New supervisory employees* shall complete initial training through in-person or computer based training within three months of their hire or promotion effective date. The training shall require, at a minimum, a discussion of the training material with personnel in the TVA Office of General Counsel who are engaged in nuclear related work activities.

Basis for Withdrawal

- TVA proposes the requirement in EA-09-009, 203 be withdrawn because:
 - The training requirements for supervisors in EA-17-022 are duplicative with EA-09-009, 203 and more comprehensive.

Summary

- TVA has implemented the commitments in EA-17-022 per the required due dates. TVA has taken numerous corrective actions to ensure that actions are taken as necessary to mitigate the potential impacts an adverse employment action may have on organizational SCWE
- During implementation of the new requirements, TVA identified potential compliance issues requiring clarification to the requirements to ensure compliance. TVA intends to formally request modification to the Confirmatory Orders.