

**From:** [Billie Garde](#)  
**To:** [Hon. Andrew](#)  
**Cc:** [Jarriel, Lisamarie](#); [Sandy Shepherd](#)  
**Subject:** [External\_Sender] FW: Draft 2.206  
**Date:** Tuesday, July 02, 2019 5:33:59 PM

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Dear Mr. Hon:

Please be advised that 1) because TVA has persisted in its actions to remove the TVA ECP program professionals and undertake some form of a new program, replacing them with personnel for an interim time period who are unqualified to perform the ECP function, and at some point (unknown) appoint management-friendly personnel to engage in an unproven and highly suspect employee concerns program model, and 2) because TVA management continues to treat the current ECP personnel in a publicly humiliating and retaliatory manner which undermines the safety conscious work environment (SCWE); and 3) because the impact of these actions are having a demonstrable chilling effect on the work force, we will be formalizing the 2.206 Petition and requesting a License Amendment.

### **Violation of the NRC Confirmatory Order**

As of July 5, 2019 the Tennessee Valley Authority (TVA) is removing the experience manager ( ) of its Employee Concerns Program (ECP) and replacing with an unqualified manager ( ) in violation of Confirmatory Order EA-09-009 requirement V.1.a. The newly assigned manager, has no ECP experience and does not meet the requirements of the NRC's Regulatory Issue Summary 2005-18, "Guidance for Establishing and Maintaining a Safety Conscious Work Environment" and the encompassed document NEI-97-05 "Nuclear Power Plant Personnel-Employee Concerns Program- Process Tools In A Safety Conscious Work Environment" identified in the "Summary of Issue" section.

Management of the ECP by an unqualified person, especially over newly unqualified employees, will lead to further degradation of the program. Employees will stop using the program to raise concerns thereby endangering the health and safety of the public

NEI-97-05 provides the core characteristics and good practices for implementing an ECP capable of resolving employee concerns in a Safety Conscious Work Environment (SCWE). A core attribute of an ECP is administration by competent personnel where expertise is established through education, training or experience, or combination thereof (NEI – 97-05 page c-1). The new ECP manager does not have the training of experience requirements as shown below:

- NEI-97-05 Attachment 5 requires seven years of related work experience of which two years are investigator of work place employee issues or an individual responsible for the planning and activities of the Employee Concerns department.
- NEI-97-06 Attachment 6 requires Five years (ECP Rep.) and nine years (Sr. ECP Rep.) of related work experience of which three years must be nuclear plant experience for Employee Concern Representatives.

The existing manager should remain in place, or a new competent and qualified manger

appointed. The designated manager, \_\_\_\_\_, should not be allowed to take the position because \_\_\_\_\_ does not meet the minimum qualification as required by of Confirmatory Order EA-09-009 requirement V.1.a and as established through NEI-97-05.

**Violation of a Safety Conscious Work Environment**

Since the actions to remove the ECP employees, employee concerns have been raised outside of the process or employees have stopped raising concerns. Allegations have been submitted to the NRC raising these issues, and more will be submitted that demonstrate the work environment at the TVA plants has deteriorated to the point that employees have stopped raising issues.

As recently as today, other employees have continued to contact this office and the ECP professionals with specific safety concerns that have not been addressed and skepticism about the environment for raising concerns.

As a result of the continued deterioration of the safety conscious work environment and the violations of the Confirmatory Order, we will formalizing the 2.206 Petition.

Thank you for your continued oversight on this issue.

Billie Garde