



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

September 24, 2019

EA-19-107

Mr. Timothy S. Rausch
Senior Vice President and
Chief Nuclear Officer
Tennessee Valley Authority
1101 Market Street, LP 4A
Chattanooga, TN 37402-2801

SUBJECT: REQUEST FOR INFORMATION REGARDING THE U.S. DEPARTMENT OF
LABOR FINDING OF DISCRIMINATION

Dear Mr. Rausch:

On September 11, 2019, representatives of the NRC and Tennessee Valley Authority (TVA) held a telephone conference call to discuss a recent finding by the U.S. Department of Labor's (DOL) Occupational Safety & Health Administration (OSHA).

On August 20, 2019, the Regional Administrator for OSHA, Region IV, found that there was reasonable cause to believe that TVA had discriminated against a complainant, in violation of Section 211 of the Energy Reorganization Act, 42 U.S.C. §5851. This case began on December 18, 2018, when the DOL OSHA in Atlanta, Georgia, received complaints from a former TVA Nuclear Corporate Licensing staff member. The complaints were later amended on January 14, 2019, and May 2, 2019. The complainant alleged that TVA placed them on paid administrative leave and later terminated their employment in retaliation for raising multiple nuclear safety concerns and for participating in an investigation regarding a chilled work environment. In response to those complaints, OSHA conducted an investigation and reached the aforementioned conclusion. The NRC has reviewed the OSHA finding and, as is the agency's normal practice, will continue to monitor DOL's activities regarding this matter.

The NRC is concerned that the OSHA finding may cause the TVA workforce to be less willing to raise safety concerns. The NRC would like for you to provide, TVA's position regarding whether the actions affecting the individual violated 10 CFR 50.7 (or other requirement) and the basis for TVA's position, including the results of any investigations TVA may have conducted to determine whether a violation occurred. Additionally, we would like you to provide, in writing, the actions you have already taken or plan to take to assure that the OSHA finding is not having an adverse impact on the willingness of employees to raise safety concerns within your organizations.

In 2018 and 2019, the NRC conducted safety conscious work environment follow up inspections for the group of concern at TVA. These inspections were focused in the Licensing and Regulatory Affairs organizations at Sequoyah Nuclear Plant and TVA Corporate nuclear staff. The results of these inspections concluded that the interviewed staff felt free to raise nuclear safety concerns without fear of retaliation (NRC Inspection Report 05000327, 328/2018-013 (ADAMS Accession No. ML18338A404 and NRC Inspection Report 05000327, 328/2019011 (ADAMS Accession No. ML19204A190)).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and your response, if you choose to respond, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response provided should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted.

If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA/

Mark Miller, Director
Division of Reactor Projects

Docket Nos.: 50-259, 50-260, 50-296,
50-327, 50-328, 50-390, 50-391
License Nos.: DPR-33, DPR-52, DPR-68,
DPR-77, DPR-79, NPF-90, NPF-96

cc: Distribution via LISTSERV

Letter to Timothy Rausch from Mark Miller dated September 11, 2019.

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