

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title: Category 1 Public Hearing

Docket Number: (n/a)

Location: teleconference

Date: Friday, June 12, 2020

Work Order No.: NRC-0925

Pages 1-110

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## 1 UNITED STATES NUCLEAR REGULATORY COMMISSION

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## 3 CATEGORY 1 PUBLIC MEETING

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5 FRIDAY

6 JUNE 12, 2020

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8  
9  
10 The Public Meeting met via  
11 Teleconference, at 1:00 p.m. EDT, Robert Gladney and  
12 Carla Roque-Cruz, Facilitators, presiding.

13 NRC STAFF PRESENT

14 ROBERT GLADNEY, Facilitator

15 CARLA ROQUE-CRUZ, Facilitator

16 STEVEN ARNDT

17 PERRY BUCKBERG

18 ROB CARPENTER

19 CRAIG ERLANGER

20 JONATHAN EVANS

21 KIMBERLY GREEN

22 ANDREW HON

23 LISA JARRIEL

24 NATREON JORDAN

25 MOLLY KEEFE-FORSYTH

1 ANDREA RUSSELL

2 MOHAMED SHAMS

3 UNDINE SHOOP

4 TOM STEPHENS

5 GREGORY SUBER

6 MICHAEL WENTZEL

7 DORI WILLIS

8

9 PETITIONERS PRESENT

10 BILLIE GARDE, Clifford & Garde

11 MELODY BABB

12 FRANK BAUSMER

13 DEANNA FULTS

14 DAVID LOCHBAUM

15 MARK RICHERSON

16

17 LICENSEE PRESENT

18 TONY WILLIAMS

19

20 ALSO PRESENT

21 GEOFF COOK

22

23

24

25

P-R-O-C-E-E-D-I-N-G-S

1:00 p.m.

MR. GLADNEY: Good morning, everyone.

It is now 1:00 p.m. I'd like to thank everyone for attending this meeting.

I, Robert Gladney, and Ms. Carla Roque-Cruz, will be facilitating today's meeting. We are both certified meeting facilitators and work with the Nuclear Regulatory Commission.

Neither of us have been directly involved in the processing of this petition.

The purpose of today's meeting is to provide the petitioner, Ms. Billie Garde, an opportunity to address the Petitioner Review Board, or PRB, regarding the petition to take enforcement action against the Tennessee Valley Authority, or TVA, for its approach in the restructuring of its employee concerns program.

This is a Category 1 meeting. The public is invited to observe this meeting and will have an opportunity to communicate with the NRC after the business portion, but before the meeting is adjourned.

As part of the Petitioner Review Board, or PRB's review of this petition, Ms. Garde has

1 requested this opportunity to address the PRB.

2 Andy Hon is the Petition Manager for  
3 this petition and Craig Erlanger is the PRB Chairman  
4 for this petition.

5 This meeting has been scheduled to begin  
6 at 1:00 p.m. Eastern time. And after introductory  
7 remarks, Ms. Garde will address the Board.

8 After the Petitioner's presentation, we  
9 will enter a brief question and answer phase where  
10 the Licensee may ask the PRB questions related to  
11 the issues raised in the petition, and the  
12 Petitioner and the Licensee may ask the PRB  
13 questions related to the 2.206 petition process.

14 The meeting is being recorded by the NRC  
15 Operation Center and will be transcribed by a court  
16 reporter. The transcript will become a supplement  
17 to the petition. The transcript will also be made  
18 publicly available.

19 I'd like to open this meeting with  
20 introductions. To facilitate a smoother  
21 introduction over the phone, I have a list of people  
22 registered for today's meeting.

23 I will read each person's name on the  
24 list. When you hear your name, please acknowledge  
25 that you are on the phone and clearly state your

1 position and the organization you work for, so we  
2 have the information for the record.

3 Again, my name is Robert Gladney and I  
4 am a Facilitator for today's meeting. I am a  
5 project manager in the Division of Decommissioning  
6 Uranium Recovery and Waste Program in the Office of  
7 Nuclear Material Safety and Safeguards. I have not  
8 been involved with the processing of this petition.

9 Next, our co-Facilitator, Carla Roque-  
10 Cruz, will introduce herself.

11 MS. ROQUE-CRUZ: Good afternoon. My  
12 name is Carla Roque-Cruz and I am also a Facilitator  
13 for today's meeting.

14 I am an executive technical assistant in  
15 the Office of Executive Director for Operations.  
16 And I also have not been involved with the  
17 processing of this petition.

18 MR. GLADNEY: Thank you, Carla. Next  
19 let us introduce the PRB members on the list. Andy  
20 Hon?

21 MR. HON: Hello, this is Andy Hon. I'm  
22 the Petition Manager. I work with the Office of  
23 Nuclear Reactor Regulations, Division of Operator  
24 Licensing.

25 MR. GLADNEY: Craig Erlanger?

1 MR. ERLANGER: Good afternoon, everyone,  
2 this is Craig Erlanger. I'm the Director of the  
3 Division of Operating Reactor Licensing in NRR and I  
4 am the PRB Chair.

5 MR. GLADNEY: Perry Buckberg?

6 MR. BUCKBERG: Good afternoon,  
7 everybody. My name is Perry Buckberg. I'm a Senior  
8 Project Manager in the Office of Nuclear Reactor  
9 Regulations.

10 I'm also the NRC's Agency 2.206 petition  
11 coordinator. Thank you.

12 MR. GLADNEY: Nate Jordan? Okay. Molly  
13 Keefe-Forsyth?

14 MS. KEEFE-FORSYTH: Good afternoon,  
15 everyone, this is Molly Keefe-Forsyth. I am a human  
16 factors and safety culture specialist in the Office  
17 of Nuclear Reactor Regulations on rotation to the  
18 Office of Enforcement.

19 MR. GLADNEY: Lisa Jarriel?

20 MS. JARRIEL: Good afternoon, this is  
21 Lisa Jarriel. I am in the Office of Enforcement.

22 MR. GLADNEY: Rob Carpenter?

23 MR. CARPENTER: Hi, Rob Carpenter here,  
24 NRC, Office of General Counsel.

25 MR. GLADNEY: Tom Stephens?

1 MR. STEPHENS: Tom Stephens, I'm a  
2 Branch Chief in NRC Region II with direct oversight  
3 of resident inspector activities at the three TVA  
4 Sites.

5 MR. GLADNEY: Undine Shoop?

6 MS. SHOOP: Good afternoon, this Undine  
7 Shoop, I'm the Branch Chief for Licensing that has  
8 the TVA plans in it. And I work in the Office of  
9 Nuclear Reactor Regulations.

10 MR. GLADNEY: Dori Willis?

11 MS. WILLIS: Good afternoon, this is  
12 Dori Willis, I'm in the Office of Enforcement.

13 MR. GLADNEY: Okay. Next, the other NRC  
14 Participants on the list. Wesley Deschaine? Okay,  
15 Karen Bursa?

16 MS. BURSA: Hi, this is Karen Bursa, the  
17 Deputy Director of the Division of Reactor projects  
18 in Region II.

19 MR. GLADNEY: Andrea Russell?

20 MS. RUSSELL: Hi, this is Andrea Russell  
21 in the Office of Nuclear Reactor Regulations.

22 MR. GLADNEY: Mohamed Shams?

23 MR. SHAMS: Hi, this is Mohamed Shams,  
24 I'm the Deputy Director for the Division of  
25 Operating Reactor Licensing in NRR.



1 MR. GLADNEY: Gregory Suber?

2 MR. SUBER: Yes, this is Gregory Suber.

3 I'm also a Deputy Director in the Division of  
4 Operating Reactor Licensing in NRR.

5 MR. GLADNEY: Steve Arndt?

6 MR. ARNDT: This is Stephen Arndt. I'm  
7 a Senior Advisor in NRR.

8 MR. GLADNEY: Kimberly Green?

9 MS. GREEN: Yes, this is Kimberly Green.  
10 I'm the NRC Project Manager for the Watts Bar  
11 Nuclear Plant.

12 MR. GLADNEY: Mike Wentzel?

13 MR. WENTZEL: This is Mike Wentzel. I'm  
14 the Project Manager for the Browns Ferry and  
15 Sequoyah Nuclear Plants.

16 MR. GLADNEY: Sandra Jimenez?

17 MS. JIMENEZ: Hi, this is Sandra  
18 Jimenez, I'm in Region II.

19 MR. GLADNEY: Edwin Lea? Jonathan  
20 Evans?

21 MR. EVANS: Hello, I'm Jonathan Evans,  
22 Reliability and Risk Analyst in the Office of  
23 Nuclear Reactor Regulation.

24 MR. GLADNEY: Now, next our Petitioner.  
25 Ms. Billie Garde?

1 MS. GARDE: This is Billie Garde, I'm  
2 with the Office of Clifford & Garde. I represent  
3 the three former TVA employees, but I petition as a  
4 concerned citizen with expertise in safety culture  
5 and concerns about the TVA reactors.

6 MR. GLADNEY: Thank you. Also my  
7 understanding is David Lochbaum is also --

8 MR. LOCHBAUM: Yes. Good afternoon,  
9 this is David Lochbaum, I'm serving as an advisor to  
10 the Petitioners.

11 MR. GLADNEY: Thank you. Frank Bausmer?

12 MR. BAUSMER: Good afternoon, this is  
13 Frank Bausmer. I am retired TVA Senior QC  
14 Inspector. I was assigned to Sequoyah Nuclear.

15 MR. GLADNEY: Melody Babb?

16 MS. BABB: Hi, this is Melody Babb, I'm  
17 a Senior Program Manager in Quality Assurance at  
18 Sequoyah. I was a former Employee Concerns Program  
19 Manager at Sequoyah.

20 MR. GLADNEY: Deanna Fults?

21 MS. FULTS: Yes, this is Deanna Fults.  
22 I am currently a Senior Consultant in the Generation  
23 Construction and Facility Services Group at the  
24 Tennessee Valley Authority. And I was previously  
25 the ECP Senior Program Manager for Corporate.

1 MR. GLADNEY: Mark Richerson?

2 MR. RICHERSON: Good afternoon, this is  
3 Mark Richerson. I'm currently a Program Manager in  
4 the Engineering Department at Browns Ferry.  
5 Previously for approximately nine to ten years I was  
6 the ECP Program Manager, Senior Program Manager, at  
7 Browns Ferry. Thank you.

8 MR. GLADNEY: Thank you. Is there  
9 anyone else for the Petitioner?

10 PARTICIPANT: I'm, I'm Day Hidson  
11 (phonetic) I'm with the, I work at TVA in work  
12 management, but I am, I'm with the Engineering  
13 Association, which is the union that represents  
14 juniors and scientists and technicians at TVA.

15 MR. GLADNEY: Thank you. I have a  
16 number of licensees registered. I will now read  
17 that list. Tim Rausch?

18 MR. RAUSCH: Hi, this is Tim Rausch.

19 MR. GLADNEY: Oh sorry, thank you. Tim  
20 Rausch. Okay, thank you.

21 MR. RAUSCH: Yes, I'm present. Thank  
22 you.

23 MR. GLADNEY: Okay, thank you. Tony  
24 Williams?

25 MR. WILLIAMS: Good afternoon, my name

1 is Tony Williams. I am the Site Vice President of  
2 Watts Bar.

3 MR. GLADNEY: Gina Hall?

4 MS. HALL: Hi, this is Gina Hall with  
5 TVA Watts Bar. I'm the Advisor to Tony Williams.

6 MR. GLADNEY: Tom Marshall? Beth  
7 Jenkins? Larry James?

8 MR. JAMES: Larry James, Senior Manager,  
9 Employee Concerns.

10 MR. GLADNEY: Thank you. Shane Kirk?

11 MR. KIRK: I'm Shane Kirk, I'm the  
12 Employee Concerns Program Manager at Watts Bar.

13 MR. GLADNEY: William Crunk?

14 MR. CRUNK: I'm William Crunk. I'm the  
15 Browns Ferry Employee Concern Representative.

16 MR. GLADNEY: Ashley Johnson?

17 MR. JOHNSON. Ashley Johnson, Sequoyah  
18 Employee Concerns Representative.

19 MR. GLADNEY: Chris Chandler?

20 MR. CHANDLER: This is Christopher  
21 Chandler, I'm in the TVA's Office of the General  
22 Counsel.

23 MR. GLADNEY: Michael Bernier?

24 MR. BERNIER: This is Michael Bernier,  
25 I'm with the TVA Office of General Counsel.

1 MR. GLADNEY: Thank you. Tim Walsh?

2 MR. WALSH: Yes, Tim Walsh. I'm with  
3 the Law Firm of Pillsbury Winthrop Shaw Pittman and  
4 I am outside counsel for TVA.

5 MR. GLADNEY: Kim, Kimberly Hulvey?

6 MS. HULVEY: Hi, this is Kim Hulvey, TVA  
7 Regulatory Affairs.

8 MR. GLADNEY: Jim Barstow?

9 MR. BARSTOW: Good afternoon, Jim  
10 Barstow, I'm the Vice President of Nuclear  
11 Regulatory Affairs and Support Service.

12 MR. GLADNEY: Jon Johnson? Jamie Paul?  
13 Bill Sitton?

14 MR. SITTON: This is Bill Sitton, I work  
15 in TVA Corporate Communications and Nuclear  
16 Communications.

17 MR. GLADNEY: Malinda Hunter?

18 MS. HUNTER: Malinda Hunter, TVA Public  
19 Relations.

20 MR. GLADNEY: David Fountain? Okay, did  
21 I miss anyone from TVA?

22 MR. MEYERHALL: Justin Meyerhall for TVA  
23 External Relations.

24 MR. GLADNEY: We have one other person  
25 who registered --

1 PARTICIPANT: This is --

2 MR. GLADNEY: Oh, go ahead.

3 PARTICIPANT: This is Day Hidson. I may  
4 have weighed in at the wrong time a minute ago. I'm  
5 here to observe. I weighed in, I think, when you  
6 were talking about the petitioner.

7 MR. GLADNEY: Okay, thank you. Yes,  
8 we'll have you --

9 PARTICIPANT: Thank you.

10 MR. GLADNEY: Thank you. I appreciate  
11 that. Thank you for the clarity as well. Anyone  
12 else for TVA?

13 MS. MACKENZIE: I'm not with TVA but I'm  
14 with the Engineering Association. This is Renee  
15 MacKenzie, Labor Relations for the Engineering  
16 Association.

17 MR. GLADNEY: Okay. We have one other  
18 person who also registered, and his name is Paul J.  
19 Zaffuts.

20 MR. ZAFFUTS: Yes, Paul Zaffuts, I'm an  
21 independent nuclear Attorney.

22 MR. GLADNEY: Okay.

23 MR. JORDAN: Also, this is Nate Jordan,  
24 NRC. Good afternoon. I apologize, I actually  
25 missed the initial introductions. I'm the backup

1 2.206 process coordinator for NRC. Thank you.

2 MR. GLADNEY: Thank you. And as Nate  
3 alluded to, we have him also listed as a PRB Member.  
4 I just want to point that out as well.

5 Is there anyone else? Please note that  
6 it is not required for members of the public to  
7 introduce themselves for this call. However, if  
8 there are any members of the public on the phone  
9 that wish to do so at this time, please state your  
10 name for the record.

11 MR. COOK: This is Geoff Cook, I'm  
12 retired from TVA. I was previously the manager of  
13 corporate licensing responsible for ECP for a four  
14 period from 2012 to 2016.

15 MS. HAGINE-DYER: This is Inza Hagine-  
16 Dyer, currently a retiree, former Senior Manager of  
17 Nuclear Employee Concern.

18 MR. GLADNEY: Thank you. Anyone else  
19 that would like to introduce themselves? If not, we  
20 will proceed forward.

21 I like to emphasize that we each need to  
22 speak clearly and loudly to make sure that the court  
23 reporter can accurately transcribe this meeting. If  
24 you do have something that you would like to say,  
25 please first state your name for the record.

1 For those dialing into the meeting,  
2 please remember to mute your phones to minimize any  
3 back-line noise or distractions. If you do not have  
4 a mute button, this can be done by pressing the keys  
5 \*6. To unmute, press the \*6 key again. Thank you.

6 The agenda for today's meeting, after  
7 the introduction, is for the Petitioner to provide  
8 new information to the PRB in an hour and 40  
9 minutes.

10 This time includes question and answers  
11 after the Petitioner's presentation for  
12 consideration in a final acceptance review. Please  
13 reserve your questions for after the Petitioner's  
14 presentation has been completed.

15 At this time, I'll turn the meeting over  
16 to Mr. Andy Hon, the Petitioner manager.

17 MR. HON: Thank you, Robert, for the  
18 introduction. First of all, again, I want to thank  
19 everyone for attending today's meeting.

20 I would like to first, to share some  
21 background on our process and the ground rules that  
22 we'll be following today.

23 The second 2.206 of Title 10 of the Code  
24 of Federal Regulations describes the petition  
25 process. It is a primary mechanism for the public



1 to request enforcement action by the NRC in a public  
2 process.

3 This process permits anyone to petition  
4 the NRC, to take enforcement by action related to  
5 NRC licensees or licensed activities. Depending on  
6 the results of this violation, NRC could modify,  
7 suspend or revoke an NRC issued licensed. Or take  
8 any other appropriate enforcement actions.

9 The NRC Staff guidance for this petition  
10 of 2.206 petition request is contained in main  
11 Directive ND8.1. Which is publicly available.

12 The purpose of today's meeting is to  
13 give the Petitioner an opportunity to provide  
14 relevant additional explanation in support for the  
15 petition after having received the PRB's initial  
16 assessment.

17 This meeting is not a hearing nor is it  
18 an opportunity for the Petitioner or any other  
19 members of the public to question or examine the PRB  
20 on the merit or the issues presented in the petition  
21 request. No decision regarding the merits of this  
22 petition will be made to this meeting.

23 Following this meeting, the Petition  
24 Review Board will conduct its internal deliberation.  
25 The outcome of this internal meeting will be

1 provided to the Petitioner in writing.

2 The PRB typically consists of a  
3 chairman, usually a manager at the senior executive  
4 level for the NRC. There is a petition manager and  
5 a petition coordinator.

6 Other members of the Board are  
7 determined by the NRR staff based on the contents of  
8 the information of the petition request. The  
9 members have already introduced themselves, just  
10 now.

11 As described in the process, the NRC  
12 Staff may ask clarification questions in order to  
13 better understand the Petitioner's presentation and  
14 to reach a reasoned decision on whether or not to  
15 accept Petitioner's request for review under the  
16 2.206 process.

17 So now I will turn it over to the  
18 Chairman of the PRB, Mr. Craig Erlanger.

19 MR. ERLANGER: Good afternoon, everyone,  
20 this is Craig Erlanger and welcome to this meeting  
21 regarding the 2.206 petition submitted by Ms. Garde.

22 I would like to briefly summarize the  
23 scope of the petition under consideration and the  
24 NRC activities to date.

25 On June 4th and June 10th, 2019 you

1 submitted a petition to the NRC under 10 CFR 2.206  
2 regarding concerns about the employee concerns  
3 program restructuring at TVA that requested the NRC,  
4 one, immediately issue an announcement to all TVA  
5 employees reiterating their rights and  
6 responsibilities to raise any safety related  
7 concerns that doing so is a legally protective  
8 activity and that promptly provides the NRC  
9 telephone number and email address to all employees.

10 If there is a significant safety related  
11 concern or complaint of retaliation, employees must  
12 know that there is a viable alternative avenue to  
13 raise it instead of remaining silent.

14 Number two. Immediately require TVA to  
15 stop its ECP program conversion until it can  
16 demonstrate to the NRC a management of change  
17 process that ensures any program change maintains  
18 the necessary independence of any process to  
19 honestly, without interference by TVA management,  
20 report the truth of any findings.

21 Number three, demand that TVA present  
22 its alleged new program to the NRC and the public  
23 for review, hold the public meeting and then provide  
24 feedback to TVA on whether its proposal is  
25 consistent with the expectations that have been

1 established by the confirmatory orders and the ECP  
2 best practices.

3 On April 9th, 2020 the Petition manager  
4 contacted you to inform you of the PRBs initial  
5 assessment that your petition does not meet  
6 management directive 8.11, Section 3.C.1, criteria  
7 for petition evaluation because the issue raised in  
8 the petition have been the subject of a facility  
9 specific or generic NRC Staff review.

10 At the time that the petition was  
11 submitted to the NRC, the agency was also processing  
12 multiple actions concerning TVA, including  
13 enforcement, inspection, assessment and allegations.

14 In order to coordinate their response to  
15 the 2.206 petition, with the completion of the other  
16 actions, we determined that a delay of petition  
17 response was warranted. The NRC Staff has, and  
18 continues to evaluate, the safety conscious work  
19 environment at NRC regulated facilities, including  
20 TVA.

21 More specifically, since the changes to  
22 TVA's ECP described in your petition, the NRC Staff  
23 has completed safety conscious work environment  
24 inspections at the TVA operating reactors in the  
25 spring and summer of 2019.

1                   The NRC conducted inspections and  
2                   interviews at all three of TVA's nuclear power  
3                   plants and its corporate headquarters to gauge the  
4                   safety conscious work environment and perception  
5                   that TVA employees had regarding the ECP changes.

6                   The interviews indicated that changes  
7                   TVA had made to the ECP did not have a discernible  
8                   impact on employee's inclination to raise nuclear  
9                   safety concerns or to use the ECP to raise such  
10                  concerns.

11                  During annual PINR inspections, the NRC  
12                  will continue to inspect the safety conscious work  
13                  environment at TVA. The petition manager offered  
14                  you an opportunity to address the PRB, to clarify or  
15                  supplement your petition in response to this  
16                  assessment and you requested to address the PRB.

17                  As a reminder for the phone  
18                  participants, please identify yourself if you make  
19                  any remarks as this will help us in the preparation  
20                  of the meeting transcript that will be made publicly  
21                  available. Thank you for your participation during  
22                  this meeting.

23                  And I would like to now turn it over to  
24                  Ms. Garde and allow you the opportunity to provide  
25                  any new information you believe the PRB should

1 consider as part of this petition. Ms. Garde.

2 MR. GLADNEY: As a quick reminder to  
3 everyone, if you're not speaking please remember to  
4 mute your phones to minimize any background noise or  
5 distraction. If you do not have a mute button, this  
6 can be done by pressing the keys \*6, and to unmute,  
7 \*6 again.

8 Thank you. And Ms. Garde, please  
9 proceed.

10 MS. GARDE: Thank you very much for the  
11 opportunity to address the Board. And I appreciate  
12 the attendance by all the people that have taken  
13 time this afternoon to attend this meeting.

14 As a preliminary note, I just want to  
15 tell you that my office location is across from a  
16 fire department so if all a sudden there is fire  
17 department noise I apologize ahead of time.

18 I have submitted a PowerPoint  
19 presentation to be considered by the Board, and  
20 which I assume the Board has available to it. I  
21 don't intend to read from that but I would like  
22 confirmation from the Panel that they have received  
23 my PowerPoint presentation.

24 MR. ERLANGER: Ms. Garde, this is Craig  
25 Erlanger. I will confirm that we have received the

1 presentation.

2 MS. GARDE: Okay, so I appreciate that.  
3 And I submit that in consideration as you consider  
4 this.

5 I would like to make a couple of other  
6 comments and then allow Mr. Lochbaum to present his  
7 analysis.

8 As a way of introduction, although some  
9 of you may know me personally, I would like to just  
10 reiterate that I have been involved in the NRC  
11 processes since 1983.

12 In 1983 I was a participant in the, one  
13 of the original 2.206 petitions regarding the then  
14 Zimmer Nuclear Power Plant under construction on the  
15 basis of information which resulted in that 2.206  
16 being granted, significant changes being made to  
17 Zimmer, although Zimmer did not survive to  
18 completion. So I am familiar with the process.

19 I would note that since that time the  
20 administration of 2.206 petition has become  
21 incredibly regulated. And I'm a little bit  
22 concerned that the processes, instead of  
23 facilitating 2.206 for full consideration by the  
24 Board, has become almost bound by the regulations to  
25 avoid being able to be considered fully.

1           And I hope that in this supplementation  
2 of the record that you will consider this from the  
3 broader perspective of the concerns at TVA.

4           To be clear, the NRC Staffs normal and  
5 escalated enforcement process has failed to ensure  
6 that TVA has the requisite safety conscious work  
7 environment.

8           The NRC's maze of processes has often  
9 been blinded. Blinded the Staff from the obvious  
10 conclusion that TVA has been unable or unwilling to  
11 change its safety culture.

12           And this 2.206 petition request, which  
13 has been pending for a year now, be granted to  
14 provide a narrowly focused modification of the  
15 license to require that TVA be mandated to have an  
16 independent safety conscious work environment  
17 oversight perspective to assist TVA in getting to  
18 where it needs to be in the context of having a  
19 safety conscious work environment.

20           The evidence that has been presented so  
21 far, and that will be supplemented today, should be  
22 taken under full consideration that TVA is facing a  
23 significant culture problem that runs deep and long.

24           And that without the kind of independent  
25 oversight, including public oversight, such as was



1 done at Millstone, I fear and believe that TVA will  
2 not be able to change its culture, that it is too  
3 embedded in a culture of avoidance of the disclosure  
4 of truth and the type of actions that management has  
5 taken over the years has contributed to an inability  
6 to change this culture without public oversight and  
7 accountability.

8 My initial request, for Item Number 1,  
9 was because the actions taken to remove the ECP  
10 department in total, was a significant event that  
11 was so badly handled by TVA management that it had  
12 an impact. That impact has been confirmed by the  
13 Oak Ridge surveys.

14 It has been confirmed by the NRC's  
15 actions, in terms of looking at allegations. But it  
16 is much deeper than is reported in those reports.

17 And some of that information will be  
18 shared with you today, which I do not believe was  
19 considered by the Staff.

20 The Staff actions, although significant  
21 in the context of escalated enforcing actions since  
22 at least 2016, have not resulted in a change in the  
23 culture. And that is evidence by the fact that the  
24 OI investigations and enforcement actions that have  
25 recently been revealed.

1           And I do not believe were considered by  
2           the PRB in its initial consideration, has  
3           significant implications for the cultural defects at  
4           TVA. Because no additional actions were taken that  
5           modified the license, TVA continues to operate and  
6           manage in a way that ensures that TVA employees and  
7           contractors are not actually provided with the, an  
8           alternative avenue to raise concerns that is free  
9           from fear of retaliation and, almost more  
10          importantly, have disregarded or now believe that no  
11          action will be taken by employee concerns that are  
12          raised any way.

13           The new ECP program has had one  
14          effectiveness review internally. That effectiveness  
15          review confirmed that the new program is still  
16          woefully deficient in terms of providing the kind of  
17          curiosity and independence that will allow full  
18          access to ECP investigations that would allow  
19          employees to raise those concerns.

20           Some of the examples you'll be given  
21          today confirm that. And again, I don't want to read  
22          my slides, however, the NRC's decision to take no  
23          additional action last year after the ECP people  
24          were removed, have in fact resulted in a long-term  
25          impact.

1           The NRC's Office of Enforcement letter  
2           dated April 29th, 2020 reference a nuclear safety  
3           culture assessment that was done in the Fall of  
4           2019, which confirmed, at least at Browns Ferry, a  
5           decline in worker perceptions of safety conscious  
6           work environment compared to the results from 2018  
7           when the old ECP was in place.

8           The Oak Ridge assessment did not find a  
9           improving safety conscious work environment and  
10          confirmed that the removal of all ECP  
11          representatives had a significant effect on the  
12          workforce's perception of retaliation for raising  
13          concerns. The normal and escalated enforcement  
14          processes has failed to change the TVA culture.

15          From 2009 and 2017 consent orders, the  
16          2016 chilling effect letter has still all failed to  
17          change the cultures. And because of that, this  
18          petition is being, I think, modified, if you will,  
19          to request that the PRB consider a modification to  
20          the license that puts in place, at least on a  
21          temporary basis, until certain performance  
22          indicators can be matched, that the culture  
23          assessment is done by an independent team of experts  
24          accountable and reportable to the public in an  
25          effort to really make a change in the culture.

1           As most of you know, I was a member of  
2           an independent safety culture assessment team at  
3           Millstone. A plant that had similar serious deep  
4           culture problems that had gone for a long time.

5           And I believe that without that  
6           independent assessment Millstone's culture would not  
7           have changed. But with the independent assessment,  
8           which included public accountability, that culture  
9           changed in about 18 months.

10          And I believe that unless, and until TVA  
11          is required to have that type of oversight, which  
12          the NRC has done before and can do again, that TVA  
13          will not make the necessary safety culture changes  
14          to effect real change in an order to ensure that the  
15          safety conscious work environment at all the plants  
16          that TVA manages, operates in a way consistent with  
17          the NRC's expectations.

18          I don't think, I'm seeking in this  
19          modification a narrowly focused independent  
20          oversight. I don't think it's necessary to have the  
21          type of, the broad Millstone approach, much more  
22          narrowly focused through safety conscious work  
23          environment elements and attributes and the  
24          requirements necessary for managers, who think  
25          things, who apparently think things are great, but

1 employees do not.

2 And so, I'm going to see in my time to  
3 either answer your questions or allow you to hear  
4 from Mr. Lochbaum, who has completed an analysis of  
5 what the NRC PRB relied upon in denying the initial  
6 2.206 petition, and some of the employees so you  
7 have a different perspective than my own.

8 I think that the rest of my presentation  
9 pretty much speaks for itself in the slides that I  
10 presented, but I would like to answer any questions  
11 that people may have either at this time or at the  
12 end. So I'll stop now and, again, rely upon the  
13 PowerPoint presentation that I submitted for your  
14 consideration.

15 Is there any questions?

16 MR. ERLANGER: This is Craig Erlanger.  
17 Members of the PRB, do you have any questions at  
18 this time?

19 Ms. Garde, we are planning questions,  
20 offering that to the PRB at the end, so we will  
21 definitely being doing that as well. Any PRB  
22 Members have any questions or statements they would  
23 like to make?

24 Hearing none, Ms. Garde, I'll turn it  
25 back to you for your next presentation.

1 MS. GARDE: All right. There is one  
2 other point I wanted to make with respect to the new  
3 ECP program.

4 The ECP Program, at the TVA plants, has  
5 often been confused with also performing and  
6 providing the safety culture and safety conscious  
7 work environment assessments for TVA management.

8 One of the significant problems here is  
9 that the new ECP program decided that they are not  
10 yet trained. The new ECP program still is confusing  
11 who is identifying whether or not particular  
12 departments or particular managers have problems in  
13 terms of their behaviors and attitudes in terms of  
14 creating a chilling effect within particular  
15 departments.

16 And there are still particular  
17 departments that need assessments and services that  
18 ECP people cannot necessarily provide. ECP programs  
19 should have investigators and accompany,  
20 particularly the problems that TVA has.

21 Should have safety culture, professional  
22 and experts in that area in order to ensure that the  
23 management corrective actions are actually taken  
24 after their prescribed with performance indicators  
25 that indicate success is being made in terms of

1 changing culture. That has not happened.

2 TVA continues to operate in a way that  
3 is primarily to deny that issues need to be  
4 resolved, and then when issues are identified for  
5 resolution and added to by management toward the  
6 people who raised those concerns or confirm that  
7 those concerns exist, continue to be negative.  
8 Until that changes, nothing at TVA is going to  
9 change.

10 And I do not believe that can happen  
11 unless they have trained expert independent  
12 assistance in getting there.

13 I have seen cultures change with that.  
14 I think TVA's culture can change with the right  
15 attributes, performance indicators and plan to  
16 improve. I don't see that happening, and I don't  
17 see it will happen, unless the NRC takes special,  
18 unique, narrowly focused enforcement action to  
19 ensure that it happens.

20 So, thank you very much. And I would  
21 like to now introduce David Lochbaum, who will speak  
22 on behalf of having done an analysis of the work  
23 that the PRB relied upon to deny the original  
24 petition.

25 MR. LOCHBAUM: Good afternoon. My name

1 is David Lochbaum. I'd like to highlight some of  
2 the material I provided to Andy Hon in a memo dated  
3 June 3rd, 2020.

4 Figures 1 and 2 in my memo provided  
5 histograms of the number of allegations and the  
6 number of allegations involving discrimination  
7 received by the NRC over the past 30 years for all  
8 U.S. nuclear plants and from the TVA plants.

9 Over each year in the past decade plus,  
10 and nearly two-thirds of this three period, three  
11 decade period, the NRC received more allegations  
12 involving discrimination from TVA's plants than from  
13 non-TVA plants.

14 Figures 1 and 2 tell me that TVA's  
15 safety culture problems are not due to a bad  
16 manager, or managers. They span multiple CNO's,  
17 site vice presidents, plant managers and such.

18 The figures strongly suggest that either  
19 TVA does not want a proper safety culture, does not  
20 know what a proper safety culture is and therefore  
21 cannot provide one.

22 On Page 3 of my memo I discuss a March  
23 2020 NRC report, included findings by the Office of  
24 Investigations.

25 All of the apparent violations



1 documented in this report occurred after the March  
2 2016 chilled work environment letter to Watts Bar  
3 and after the July 27th, 2017 confirmatory order  
4 issued to TVA for Browns Ferry, Sequoyah and Watts  
5 Bar and before TVA restructured the ECPs in May of  
6 2019. The NRC OI report faulted TVA corporate  
7 management, not the ECPs.

8 In light of recurring safety conscious  
9 work environment problems at TVA, its nuclear  
10 workers need to know their freedom to raise safety  
11 concerns is really and truly protected and not just  
12 an empty promise.

13 Petition Request Number 1 will not, by  
14 itself, convince workers of this regulatory right  
15 but is a much needed step in the right direction and  
16 in rebuilding trust.

17 The NRC's proposal to reject this  
18 petition from April of 2020 did not cite this OI  
19 report or attempt to reconcile its factual findings  
20 with the notion that sufficient improvements had  
21 been made in safety conscious work environments and  
22 the associated employee concerns programs at TVA, so  
23 as to preclude the need for Petition Request Number  
24 1.

25 On Page 4 I cited a TVA submittal to the

1 NRC dated October 3rd, 2019 where TVA wrote, "our  
2 initial assessment is that there has been no impact  
3 on this change, on the employees' willingness to  
4 raise concerns or to use the employee's concerns  
5 program as an alternate process to raising  
6 concerns."

7 They're referring to the ECP  
8 restructuring.

9 However, the NRC's inspection report  
10 issued July 23rd, 2019 reported an internal survey  
11 that was done at TVA that said, "31 percent of those  
12 interviewees were concerned that the proposed  
13 structure of the ECP would not provide independence  
14 from management." That report did cite that the  
15 survey showed that "most would still be willing to  
16 use the ECP."

17 Many plants with safety culture  
18 problems, like Davis-Besse and Millstone, et cetera,  
19 have shown that that's not a relevant question.  
20 Workers have to say that they'd raise safety  
21 concerns.

22 But when the question is whether their  
23 co-workers would be willing to raise safety concerns  
24 or use the ECP, the negative response rates soar  
25 dramatically.

1 MR. GLADNEY: I'm sorry, do we have  
2 audio?

3 MR. LOCHBAUM: To report safety issues.  
4 So answering a question without their own  
5 willingness equates to their propensity to breaking  
6 the law.

7 Furthermore, the Oak Ridge Associate  
8 University's report that came out in November of  
9 2019 said that, "participants also indicated they  
10 were more hesitant to raise concerns because of the  
11 recent changes to the ECP."

12 Further down the report states,  
13 "participants also felt that the changes to ECP  
14 removed their avenue to report safety concerns  
15 without repercussions."

16 On Page 6 of my memo I refer to the  
17 annual report issued by the NRC's Office of  
18 Enforcement. The allegations trends report. This  
19 is for the Year 2019.

20 That report states for Watts Bar, and a  
21 number of allegations received by the NRC, "the rate  
22 of receipt was high in the first two quarters of the  
23 year corresponding to the licensee's decision to  
24 restructure its employee concerns program, ECP.  
25 Including replacing the ECP personnel at each site

1 in the fleet and the program manager at TVA  
2 headquarters."

3 That same report talks about the  
4 situation at Browns Ferry. "The rate of receipt  
5 spiked in the second quarter of the year  
6 corresponding to the licensee's decision to  
7 restructure its ECP."

8 And yet TVA claimed, in writing to the  
9 NRC, presumably under the 50.9 regulation, that  
10 there was no impact from this change. Or not one  
11 that they could see.

12 Page 7 of my memo, again referring to  
13 the NRC allegations report for 2019, that report  
14 stated "it is too early to determine whether the new  
15 ECP program will benefit TVA's SCWE. Safety  
16 conscious work environment."

17 And yet the PRB wishes us to believe  
18 that it's all good. Where's the beef? Where is the  
19 data? Where's the evidence? Where in the heck is  
20 anything that would lead anybody to conclude that  
21 that's anywhere close to the truth.

22 TVA also stated in their October letter  
23 to the NRC that the ECP provides "an alternative  
24 process for raising concerns." They also go on to  
25 explain that for none -- for concerns raised to ECP

1 do not involve harassment intimidation, the ECP is  
2 simply going to forward those back to line  
3 management.

4 So it basically becomes, ECP becomes an  
5 alternative means of silencing workers with safety  
6 concerns. And the Oak Ridge report that came out in  
7 November of 2019 basically confirms that sorry  
8 condition.

9 Page 9 of my memo I quote from that Oak  
10 Ridge associated university's report from November  
11 2019. "No survey participants from any of the data  
12 sources who mentions communication of these changes  
13 thought it was handled appropriately."

14 In other words, 100 percent of the  
15 participants cited fraud communications. A  
16 shortcoming that Petition Request Number 3 would  
17 remedy if only it were implemented.

18 Publicly available documents do not  
19 describe the flaws or the shortcomings in the old  
20 ECP, that the restructured ECP purportedly fixed.  
21 That lack of transparency explains why the Oak Ridge  
22 Associated university survey found skepticism at  
23 best among the workforce regarding the reasons for  
24 the efficacy of the ECP changes.

25 That lack of transparency also explains

1 why the NRC is unable to yet determine whether the  
2 new ECP benefits the safety conscious work  
3 environment.

4           Petition requests Number 3 seeks to  
5 flesh out the real or perceived weaknesses in the  
6 former ECP, that the revised ECP seeks to fix. But  
7 not doing that leaves everybody literally in the  
8 dark. Or figuratively in the dark. It's one of  
9 those.

10           Page 14, I expressed -- belatedly  
11 relying on subsequent NRC reviews, the NRC now  
12 proposes not to accept the petition even though its  
13 reviews are explicitly stated to be too early to  
14 judge the effect of the restructured ECP on TVA's  
15 safety conscious work environments. A key core  
16 component of petition itself.

17           10 CFR 50.7 prohibits licensees from  
18 discriminating or retaliating against workers who  
19 raise safety concerns while engaged in protected  
20 activities. TVA violates that regulation over and  
21 over and over and over and over.

22           And the NRC is aiding and abetting TVA's  
23 unlawful behavior by issuing mere slaps on the wrists  
24 at best. The NRC must stop the chronic law breaking  
25 by TVA. That's all I got, thanks.

1 MR. GLADNEY: Thank you, Mr. Lochbaum.  
2 Do you want to proceed forward with the next  
3 presentation, skip question and answers to the end  
4 or do you want to proceed forward with another  
5 presentation first? So, Ms. Garde.

6 MS. GARDE: This is Ms. Garde and I  
7 would like to introduce Frank Bausmer, a recently  
8 retired QC inspector to give his experience and  
9 perspective as recent, over the last several years.

10 Frank, would you please provide your  
11 presentation? Thank you.

12 MR. BAUSMER: Yes, I will.

13 Good afternoon, everyone. This is Frank  
14 Bausmer.

15 I have a prepared statement here that  
16 I'm going to read to you but I'm going to -- I'd  
17 like to also add something that's not in my  
18 statement but definitely needs to be considered.

19 And I appreciate the fact that Ms. Garde  
20 called out contractors in her opening statement.  
21 Contractors aren't really represented in issues like  
22 this with TVA, but they're a large part of the  
23 workforce. And especially, as I said earlier, I'm  
24 part of the QC Department, and they're an especially  
25 large part of our workforce.

1           And it's pretty common knowledge amongst  
2           the contractors, if you raise concerns with regards  
3           to SCWE or anything like that, initiate corrective  
4           action reports, enforce the corrective action  
5           program as it applies to your, whatever you're doing  
6           out in the field, you won't be called back to  
7           participate in any other outages. That's pretty  
8           common knowledge.

9           As far as changes, whenever there's a  
10          change with the ECP program, it's kind of, kind of  
11          like a standing joke among everybody. We'll get an  
12          email and it will identify the changes that -- the  
13          TVA employees will get an email, contractors won't  
14          get the email. And the email that we'll get will  
15          describe what the change is. And the email asks us,  
16          the TVA employees, to please share the information  
17          with those on site who don't have access to email.

18          And the standing joke there is, Oh, here  
19          we go, you know, there's going to be a half a dozen  
20          new signs printed on the walkway on the way in. And  
21          that pretty much ends up being the end of it and the  
22          impact that we see from any of those changes.

23          I just want to reiterate the fact that  
24          with QC contractors and most other contractors that  
25          I interact with, or interacted with, there's an



1 unspoken understanding that if you raise issues you  
2 won't be asked to come back to the TVA site again to  
3 do any, any work.

4 So, that being said, I'll go ahead and  
5 read my statement. And I'd be more than happy to  
6 answer any questions that anybody has.

7 My name's Frank Bausmer. I'm a  
8 recently-retired employee of the Tennessee Valley  
9 Authority where I was a lead quality control  
10 inspector at Sequoyah. I started there in 2011.

11 Before becoming a TVA employee, from  
12 2005 to 2011 I did work as a contractor. And then I  
13 was invited, of course, to be one of the direct TVA  
14 employees.

15 I was asked to provide this information  
16 to Billie Garde in support of the work that she's  
17 doing to improve the safety-conscious work  
18 environment at TVA, and ensure that TVA employees  
19 and contractors are free to raise concerns without  
20 fear of reprisal. Unfortunately, my experience is -  
21 - at TVA has been that retaliation for raising  
22 safety concerns remains a serious problem with the  
23 TVA culture.

24 In fact, my TVA, my experience with TVA  
25 is that the atmosphere of fear and intimidation is

1 so deeply ingrained in the management behaviors and  
2 style that few, if any, employees would be willing  
3 to speak up about serious concerns. There's an  
4 underlying management attitude of always trying to  
5 push the envelope on safety issues that might impact  
6 plant operations, pushing beyond conservative  
7 decision-making.

8 That -- I'm going to re-read that last  
9 little statement because that's very, that's very  
10 important and it exists to this day.

11 There's an underlying management  
12 attitude of always trying to push the envelope on  
13 safety concerns that might impact plant operations,  
14 pushing beyond conservative decision-making, and  
15 taking risks and shortcuts to erode the margin of  
16 safety.

17 This mindset pervades the site culture.  
18 And anyone who tries to operate in a different  
19 mindset (telephone interference) putting rigor into  
20 safety expectations is beaten down by management  
21 actions and attitudes that force conformance, or the  
22 employee faces termination, or is removed in some  
23 other way.

24 These management attitudes erode the  
25 commitment to safety first and make a mockery of the

1 safety cultures.

2 I don't know what it will take to change  
3 the culture but I got -- this hits home a little bit  
4 -- I got tired of continually fighting it and  
5 retired earlier this year. My statement today deals  
6 with my experience and with the ECP program and why  
7 I have no confidence that the new program will make  
8 any difference in the culture or provide any  
9 independent avenue for employees to raise safety  
10 concerns.

11 After my interactions with the new  
12 program I would not advise anyone to bother with it  
13 as it's just a part of the same management culture  
14 of covering up the bad news and blaming the  
15 messenger for raising concerns.

16 As a long-term nuclear worker, I'm  
17 mindful of the fact that there are redundancies in  
18 our safety systems and processes, but those  
19 redundancies, they have limits. I fear that as the  
20 culture at TVA continues to erode personal  
21 commitment to safety so much that it will erode  
22 those redundancies. It only takes two mistakes to  
23 breach that safety barrier. And I'm afraid that TVA  
24 is primed to do just that.

25 On June 2nd, 2020, I was contacted by

1 one of the new ECP representatives about a concern I  
2 had raised some time ago. The reason for the call,  
3 apparently, was to advise me of the details of my  
4 closed concern -- of my closed concern.

5 Unfortunately, all it did was raise even more  
6 concerns that the ECP program had simply been an arm  
7 of management to cover up the original concern that  
8 I'd raised. And this dealt with falsification of  
9 records.

10 To summarize my original concern,  
11 several months before I retired I had identified a  
12 clear situation of a falsified record of  
13 qualifications of contract inspector for the 2015  
14 outage at Sequoyah. I know it was a falsified  
15 document because I was the Level 2 that performed  
16 the QC inspection and signed the disqualification  
17 record. That was Assessment Report SQN2015-001,  
18 dated 3/13/15.

19 The contractor that I had assessed  
20 failed five of the eight performance attributes for  
21 a qualified inspector, including material, ID,  
22 sensitivity to details, his knowledge and technique.  
23 And I wrote the following assessment report.

24 I won't repeat all of those things.

25 I then filled out the logbook indicating

1 and signing that the contract inspector had failed  
2 his assessment. When I reported this to my  
3 supervisor I was told not to include that  
4 inspector's assessment in the outage logbook and to  
5 not do any more QC assessments on any other contract  
6 inspectors.

7           However, I did log it in, and I did do  
8 more assessments -- a few more anyway.  
9 Notwithstanding my unsatisfactory assessment of the  
10 inspector's capability, the inspector continued to  
11 be employed throughout that outage and at the next  
12 Browns Ferry outage, which was the next one in line,  
13 performing safety-related well inspections.

14           In the following months I -- this  
15 inspector was also ultimately fired and he's never  
16 been back -- in the following months I discovered  
17 that the quality control assessment report SQN2015-  
18 001 that I had previously put in the logbook had  
19 been removed from the logbook that contained the  
20 records for that outage. In fact, I discovered that  
21 the entry and the report that I'd made had been  
22 entirely removed, and someone else had signed my  
23 name to other qualification reviews conducted at the  
24 time.

25           I was flabbergasted that anybody would

1 be so careless with a document that had been  
2 falsified and just leave it laying around. I  
3 immediately reported this concern to my site lead.  
4 Nothing happened.

5 Later, I reported this issue to the TVA  
6 Office of the Inspector General, providing them with  
7 all the supporting documentation. And to my  
8 knowledge no follow-up investigation was conducted  
9 by the OIG either.

10 Years later, April 21st, 2020, I  
11 received an email and a phone message from an ECP  
12 investigator asking that I contact him, which I did.  
13 He told me during a recent interview -- I lost my  
14 place -- with another TVA QC inspector, my name had  
15 come up.

16 The investigator told me he'd like to  
17 ask me some questions and that it would only take  
18 about a half an hour. I accepted his request. And  
19 it was during this interview that I told him about  
20 the environment of harassment, intimidation,  
21 retaliation, and discrimination that exists at TVA.  
22 And I gave him several examples, including the  
23 falsified QC welder assessment.

24 He requested that I send him -- there's  
25 a cover page in that logbook and you log in the

1 assessment, and that had been falsified -- he  
2 requested that I send him a copy of the cover page  
3 of the assessment log showing the falsification.  
4 And I did provide this for him.

5 Last week I was contacted by the new ECP  
6 investigator, who debriefed me on the alleged  
7 investigation of my concern. But instead of  
8 providing me the results of any investigation into  
9 the falsification of the assessment report, and how  
10 and why management engaged in the falsification of  
11 the records, he tried to persuade me that the  
12 inspector's work on the specific weld had been  
13 verified as okay, so there really was no problem for  
14 me to be concerned about.

15 When I pushed what happened to the issue  
16 that I actually raised, which was falsification of  
17 records, he said I was not entitled to know the  
18 outcome of that investigation.

19 I further asked him, well, how would  
20 anybody know enough to ask for a different  
21 investigation than the one he was briefing me on?  
22 And he referred obliquely to the report as ECP Case  
23 File ECC02020005-1. He wouldn't tell me anything  
24 about what was contained in that report.

25 He told me that the current disposition

1 of this five-year-old issue apparently was to only  
2 now document the situation on the corrective action  
3 report that had, at the time of my briefing, not yet  
4 been screened or gone through management review.

5 That is to say, for those of you that aren't  
6 familiar with it, if it's not screened or gone  
7 through management review it wasn't even an official  
8 report. All of that has to happen before it can be  
9 submitted for resolution.

10 Of course, that is important, as an  
11 unqualified inspector who was allowed to continue  
12 working raises significant issues about the quality  
13 of the work he inspected and reviewed.

14 Now, I'll add to that, this inspector  
15 worked multiple outages for TVA doing weld  
16 inspection.

17 But my real concern was the intentional  
18 actions of management to falsify the documents  
19 originally, and the inaction or action of my  
20 management to cover up my findings and push through  
21 the outage. The ECP briefing only convinced me that  
22 the new ECP program was fostering exactly the type  
23 of cover-up of the bad news behaviors of TVA  
24 management that's at the heart of this problem.

25 Another example is -- the second example



1 I want to discuss is, again, from an outage some  
2 years ago but reflects the same management attitude  
3 that permeates the TVA site. It again indicates  
4 that the schedules pressure trumps conservative  
5 decision-making and conformance with procedural  
6 requirements.

7 This example was provided to the Oak  
8 Ridge assessment team as an example of how the  
9 hostility towards the truth is wielded in a way that  
10 undermines employee commitment to safety and  
11 supports an attitude where employees just go along  
12 with management pressures to schedule, no matter  
13 what.

14 In this case I was scheduled to complete  
15 a cleanliness inspection of the reactor cavity  
16 during an outage. The cavity inspection is a  
17 critical path inspection that impacts further work  
18 activity and outage completion.

19 When I arrived to do the inspection I  
20 found that the contractors had bypassed the hold  
21 point by applying -- there's a protective coating  
22 that they apply in the reactor before they pull the  
23 head, and that keeps debris and things from getting  
24 in there, and they did this before I did my, my  
25 inspection. I was able to do the cleanliness and I

1 -- wait a minute -- before I was able to do the  
2 cleanliness inspection. The inspection was supposed  
3 to take place before the coating was laid down.

4 I wrote the violation up on a service  
5 request, which is a non-conformance report, in  
6 accordance with the corrective action program.  
7 Nonetheless, management attempted to blame me for  
8 the situation by incorrectly stating in the site  
9 newsletter that a QC inspector had caused a 3-hour  
10 delay in the outage.

11 The actions of management towards my  
12 compliance with the procedure was intimidating and  
13 humiliating. Although an independent investigation  
14 into the event and follow-up report proved that the  
15 issue was not a 3-hour delay caused by a QC  
16 inspector, the damage had already been done. Once  
17 again, management's reaction to the identification  
18 of safety-related findings was hostility, anger,  
19 shaming and blaming the person who identified the  
20 issue, and ultimately dispositioning the violation  
21 as acceptable by once again falsifying --

22 (Telephone interference.)

23 MR. BAUSMER: I'm sorry, was somebody  
24 else --

25 MR. GLADNEY: I'd like to ask anyone who

1 has not muted their phone and is not a speaker,  
2 please mute your phone as we spoke about earlier.

3 MR. BAUSMER: All right, I'll start that  
4 sentence over.

5 Once again management's reaction to the  
6 identification of a safety-related finding was  
7 hostility, anger, blame, shaming, and blaming the  
8 person who identified the issue, and ultimately  
9 dispositioning the violation as acceptable by once  
10 again falsifying the inspection documentation  
11 contained in the work order.

12 There is no question that the outage  
13 management team absolutely approved and tolerated  
14 bypassing a hold point in the outage schedule, and  
15 allowed the contractors to apply the coating to the  
16 cavity before it was inspected after the clean-up.

17 Bypassing a hold point would not have  
18 happened without direction from the outage  
19 management team. But no investigation was ever done  
20 into who ordered or tolerated that action.

21 Schedule is routine at TVA. Unless  
22 there are any meaningful consequences for safety  
23 being the primary driver, nothing will change.

24 The new ECP team is designed to be  
25 accountable to the line management, not to any

1 independent avenue which will protect actions and  
2 document (telephone interference). The new ECP team  
3 is designed to be accountable to the line  
4 management, not to any independent avenue which will  
5 protect actions and documenting employees' concerns  
6 that expose the same management. Nothing is going  
7 to change until this is a truly independent avenue  
8 that puts safety and the truth at the highest  
9 priority, not just blaming the person who identified  
10 the issue.

11 I hope the NRC understands that the  
12 margin of safety is being eroded by this TVA  
13 management culture and takes actions to insist the  
14 TVA management change its culture before it's too  
15 late.

16 I'm providing this information freely  
17 and without inducement to do so. Since I am now  
18 retired, I do not fear intimidation by TVA. But I  
19 have no doubt that its reaction to my statement will  
20 be to attack the messenger. It's the only way TVA  
21 responds to any concern.

22 Its second action will be to try to  
23 undermine the concern and change the facts. These  
24 behaviors are not consistent with a safety-conscious  
25 work environment.

1 Thank you for hearing me. I'm finished.

2 MR. GLADNEY: Thank you for your  
3 presentation.

4 MR. BAUSMER: You're welcome.

5 MR. GLADNEY: Next presenter, Ms. Garde.

6 MS. GARDE: Yes. I'd like to call on  
7 Melody Babb to make her presentation to the Board.  
8 Thank you.

9 MS. BABB: Good afternoon. This is  
10 Melody Babb. I've provided a written statement to  
11 you already, so I will not read the whole thing.

12 Basically, my statement is a list of  
13 examples that show that the safety culture continues  
14 to be a problem at TVA sites. And these are things  
15 that have either been said to me or I've  
16 experienced, and they've all been within the past  
17 year.

18 So, the first one is after, in ECP after  
19 we received our no fault termination notices we were  
20 still in our positions for a number of weeks. And  
21 during that time period I had three employees come  
22 to me. And they had concerns that they did not want  
23 new ECP employees handling this. They didn't know  
24 who those people were going to be, didn't know if  
25 they could trust them.

1           So, I asked them if they were okay with  
2           me reporting those concerns to the NRC on their  
3           behalf. All these people were from different  
4           departments and they had different concerns. And I  
5           think they were also under one allegation number, so  
6           I don't have separate allegation numbers for those.  
7           But I'll just go over those briefly.

8           The first one was an employee -- and I'm  
9           not going to use department names just to protect  
10          the individuals. So, the first one was an employee  
11          that reported that other employees in their  
12          department were discussing between themselves, and  
13          they were trying to decide if they wanted to report  
14          on the Oak Ridge surveys that they were all chilled  
15          because they had experienced nepotism, favoritism,  
16          and retaliation, and had witnessed these things in  
17          their department and from people outside of their  
18          department.

19          The second one was employees that  
20          reported they would feel fearful of harassment,  
21          intimidation, retaliation, and discrimination from  
22          an employee who was coming to their department, and  
23          that employee had a history of intimidating a couple  
24          of them and other employees in different departments  
25          in the past.

1                   The third one was an employee that asked  
2                   if his name could be removed from the ECP files  
3                   because he had reported things to ECP and he feared  
4                   retaliation from a new incoming ECP employee. And  
5                   he was afraid that they would gain access to his  
6                   files.

7                   The next example was three other  
8                   Sequoyah employees that had contacted me. And these  
9                   have been more recent. They were asking what  
10                  alternate avenues were available to them to report  
11                  concerns. They said they feared retaliation if they  
12                  reported their concerns to the new ECP program. And  
13                  those were -- and these are all different  
14                  departments and employees, too.

15                  The first one, an employee that feared  
16                  retaliation by management because they felt like  
17                  they were misusing the Fitness for Duty Program  
18                  against them.

19                  The second one, an employee that  
20                  falsified a signature on a procedure revision.

21                  And the third one, an employee that  
22                  received reports from another organization, and on  
23                  those reports that employee noticed that employees  
24                  performing the work were people that were not  
25                  qualified. And so, other employees were signing off

1 the reports for them so that it wouldn't be noticed  
2 that the people performing the work were not  
3 qualified.

4 And another example is if you look at  
5 the daily CR reports, there are a lot of anonymous  
6 condition reports that continue to be reported. And  
7 all of these are at different sites, and they state  
8 that they're general work environment concerns. Of  
9 course, you know, we don't see the details of those,  
10 so, but the statement that they're general work  
11 environment concerns indicate that there may be some  
12 safety culture issue going on.

13 Next was here in the recent outage at  
14 Sequoyah. We had the COVID-19 restriction, so  
15 everyone that could was trying to work offsite when  
16 it was available. And in QA we were told that we  
17 could observe plant employees working, and we could  
18 do that remotely by use of cameras and things that  
19 we could do on our computer. But we were also told  
20 that we could not have access to log into those  
21 cameras and do observations in the Management Outage  
22 Control Center, which was the OCC.

23 And when we asked why we could not have  
24 access to log into those, because we had always  
25 observed the OCC during outages, we were told that



1 QA or any other department observing the OCC  
2 remotely could have a chilling effect on the  
3 managers or employees in there.

4 So, we were told to report to the sites  
5 and sit in a designated spot if we had to observe.

6 So, the problem with that was we were  
7 trying to work remotely as much as we could, and it  
8 was very much of a discouragement for us not to  
9 observe, kind of making it hard for us to observe.

10 The next one, there is one department at  
11 Sequoyah -- I won't call out which one it is just to  
12 protect the employees, but we can talk offline later  
13 if we need to -- and that department has been  
14 stating that if anyone from outside comes in and  
15 asks them questions, such as the NRC, the OIG, other  
16 avenues, that management doesn't have to worry,  
17 because they know the right answers to give them.

18 So, basically they're saying they're  
19 talking about things between themselves, but they  
20 know what to say when people come in so that  
21 management doesn't discriminate against them.

22 Okay, hold on. I've got to go off.

23 (Pause.)

24 MS. BABB: Okay. I think I'm on speaker  
25 now.

1           The next one is personally since I've  
2           left ECP I've received harassing comments and  
3           different things myself. And it's all related to  
4           the previous ECP position I was in. I reported  
5           those to a senior management, a department manager,  
6           the EEOC.

7           And even though those people have talked  
8           to the employees that are making those comments, the  
9           harassment continues.

10          And then one other example that shows  
11          that management is trying to avoid the obvious signs  
12          that safety culture is still a problem. Last week  
13          during our Nuclear Safety Culture Monitoring Panel,  
14          or our NSCMP meeting, when everyone was talking  
15          about safety culture one of the managers stated that  
16          even though there were currently two department  
17          managers offsite working on the response to the  
18          apparent violations that were issued by the NRC,  
19          that that was old news. Employees have forgotten  
20          about that. And that because of that we still have  
21          a strength in safety culture at the site.

22          So, there's kind of the assumption that  
23          those issues with safety culture go away quickly.  
24          But really, at TVA people hold onto those things.  
25          And that's why it's so difficult to change the

1 culture in any organization.

2 And so it should be apparent to the  
3 employees because the two departments have had  
4 temporary managers. And one of those that's been  
5 over a month. And so I had to ask myself why do  
6 employees not know why they have a temporary  
7 manager?

8 And it brings to mind the fact that, you  
9 know, maybe management is misleading employees about  
10 what the temporary assignments are.

11 And then one thing I didn't include in  
12 my statement that I wanted to talk about is, you  
13 know, all these things have been going on, and we've  
14 talked about, like, interviews and follow-up surveys  
15 and inspections, but no one from the NRC has come to  
16 any of us former ECP employees and interviewed,  
17 asked us about our insights or concerns with the new  
18 program and the culture at TVA. So, I think that's  
19 very important to note also.

20 And that's the end of my statement.

21 Thank you.

22 MR. GLADNEY: Thank you for your  
23 statement.

24 Ms. Garde, do we have a next  
25 presentation?

1 MS. GARDE: Yes. I would like to ask  
2 Deanna Fults to make her statement as well. Thank  
3 you very much.

4 MS. FULTS: Thank you, Ms. Garde.

5 My name is Deanna Fults. Prior to May  
6 13th, 2019, I was one of the TVA Employee Concerns  
7 Senior Program Managers. For almost six years I  
8 worked in the Nuclear ECP Program, first at Watts  
9 Bar, beginning in 2013 when I was the Unit 1 ECP  
10 specialist, then later in 2015 I was transferred to  
11 Sequoyah. And then, finally, in November of that  
12 same year I was again moved to be the corporate  
13 roving ECP program manager, working directly with  
14 our senior manager of ECP, and as an additional  
15 support to the three site representatives.

16 I have worked for over 15 years for the  
17 Tennessee Valley Authority in various departments.  
18 Because I have worked as the site rep for ECP at  
19 three of the four sites with nuclear employees'  
20 views, and because I am still employed by TVA in a  
21 department outside of nuclear, I continue hearing  
22 complaints from nuclear employees about the current  
23 ECP program and lack of a safety-conscious work  
24 environment.

25 I've talked to employees privately who

1 have expressed fear that they, too, will experience  
2 retaliation and public ridicule like my co-workers  
3 and I have endured if they report any issues,  
4 nuclear safety-related or otherwise.

5 Prior to my removal from the ECP staff  
6 it was my job to encourage employees who did not  
7 feel comfortable raising issues to their chain of  
8 command, or to me, that they could always go  
9 directly to the NRC with their allegations, and  
10 their issues would be handled appropriately.

11 However, my personal experience with the  
12 way in which allegations have been handled by TVA  
13 and the NRC since May 13th, 2019, has shaken that  
14 faith I once had in the reactor oversight process.  
15 When our attorney Ms. Garde filed the 2.206 petition  
16 on June 4th, 2019, no one expected to wait a year  
17 for our concerns to be addressed in this particular  
18 process.

19 Today, June 12th, 2020, is the very  
20 first time that I have been asked to speak to anyone  
21 at the NRC regarding our petition.

22 Further, I do not believe that my  
23 concerns have been fully addressed by any of the  
24 inspection reports or allegation responses I've  
25 received to date. Yet, countless inspections have

1 occurred that, according to the Commission, have  
2 addressed my stated concerns. I believe that this  
3 hearing is long overdue according to your own  
4 procedures.

5 I fully understand that increasing  
6 oversight of a licensee is serious business. But I  
7 also understand now from personal experience that  
8 reporting a concern involving nuclear safety at TVA,  
9 even when the concerns came from other individuals,  
10 will be rewarded with scorn, ridicule, and at a  
11 great personal cost.

12 At each turn in this process we have  
13 been told that as ECP professionals we are must-  
14 haves but not a requirement under statute.  
15 Therefore, the NRC has readily dismissed our claims  
16 for relief as a department of former ECP employees  
17 and stated that we must seek individual relief in  
18 the allegation process, or have our allegations  
19 treated generically within the inspection process  
20 and, therefore, not addressed specifically.

21 It's unfathomable to me that if we in  
22 ECP were the advocates for nuclear safety at each of  
23 our sites, then why wouldn't NRC listen to us and  
24 see this as an ongoing threat to workers and the  
25 safety of the valley?

1           It's my understanding that any person  
2           can file an allegation, and also that any person can  
3           file a 2.206 petition. However, not every person  
4           will be treated the same. And they most certainly  
5           are not given the same consideration at TVA as a  
6           licensee has enjoyed over the years. Delays in  
7           process do not benefit petitioners or promote the  
8           public safety, they only benefit wrongdoers and  
9           drive down confidence in the programs you  
10          administer.

11                 In our case, the NRC has overlooked acts  
12          of overt deception from members of TVA nuclear  
13          management, some of which I've personally brought to  
14          the attention of the NRC years earlier, all while I  
15          told anyone who would listen at the time that TVA  
16          was going to do away with our program along with the  
17          people in it.

18                 I have been asked to tell you today what  
19          I have observed since our filing of this petition,  
20          and to provide you with any new insights without  
21          disclosing personally identifiable information of  
22          individuals still working in the nuclear fleet. I  
23          can confirm that I have been asked by TVA nuclear  
24          employees, whose concerns I have previously handled,  
25          if they can trust in the ECP.

1 My answer has not been positive.

2 I've received multiple emails and had  
3 conversations with concerned individuals who stated  
4 they wish they'd never reported any issues at TVA  
5 because of what they knew ECP staff members might  
6 say to management. Those employees will think twice  
7 now about reporting a concern for fear of  
8 retaliation.

9 While it may be technically true that  
10 the structure of an ECP program is not a requirement  
11 that the NRC would typically weigh in on, the NRC  
12 still has a duty to ensure nuclear safety in each  
13 plant that it regulates. The actions taken by TVA  
14 to remove the ECP so publicly has been a message to  
15 employees across the fleet that no one is safe to  
16 voice their concerns.

17 What was once viewed as an independent  
18 avenue whose effectiveness was admittedly only a  
19 function of management's receptivity to our  
20 feedback, is now viewed by employees as a landing  
21 spot for craft supervisors who can't go back to the  
22 field and whose loyalty is still tied to the  
23 organization's budget from which they are paid.

24 They cannot provide the type of  
25 independent oversight that TVA needs because they



1 are beholden to the site vice presidents who  
2 recommended them for their jobs. Even if they want  
3 to do a good job, as I believe most everyone wants  
4 to do, they can't because they weren't set up to be  
5 anything more than a conduit for nuclear management  
6 to look good and fix issues in name only.

7 Further, the current ECP program does  
8 not have a clearly-defined strategy in place that  
9 employees can have confidence that it will handle  
10 serious investigations, like the work environment  
11 claims our ECP program once examined. Perhaps they  
12 don't have a plan because TVA Nuclear's intent was  
13 to shut down any investigations that they couldn't  
14 control.

15 Last summer, when the new ECP program  
16 was announced, their stated plan was to refer those  
17 cases to the TVA Office of General Counsel. Later,  
18 last fall, the program's position became one of  
19 contracting outside investigators with serious  
20 investigations. Their use of outside contract  
21 investigators is viewed by most observant workers  
22 I've talked to as a way for TVA to surreptitiously  
23 remove unwanted employees.

24 It's seen that way because it is a way  
25 some of the more vocal employees are terminated by

1 the company.

2 I should note that outside contract  
3 investigators repeatedly interviewed us in ECP  
4 before we were all let go, too.

5 I've been personally involved with other  
6 outside investigations where known nuclear  
7 whistleblowers were terminated at every nuclear site  
8 I have worked at, all while TVA complied on its face  
9 with the ERB Adverse Action process that the NRC  
10 laid out for them in each successive amendment to  
11 the confirmatory order.

12 The ERB process itself, even with the  
13 NRC's intervention, has not presented findings of  
14 TVA retaliating against terminated employees as  
15 publicized multiple times since last fall. And all  
16 employees know about that.

17 If ever there was a time to intercede on  
18 behalf of the employees who remain in the TVA  
19 nuclear fleet, the time is now. And the 2.206  
20 petition process is the appropriate venue.

21 So, when employees ask me about the  
22 viability of the NRC handling their concerns, I  
23 tell them I don't have confidence that matters  
24 affecting nuclear safety will be treated with a  
25 sense of urgency or fairness. That's because of the

1 high number of concerns being referred back to TVA  
2 for it to investigate, most recently with some of  
3 our own allegations in ECP being sent back from the  
4 NRC to TVA.

5 First, in June 2019, TVA was going to  
6 use an attorney from OGC to investigate our  
7 allegations of a chilled work environment. Then an  
8 anonymous condition report, or CR, was generated  
9 questioning the independence of the investigator.

10 Finally, a little over a month later,  
11 TVA decided upon a team from the Oak Ridge  
12 Associated University to conduct the investigation  
13 of our allegation. When I questioned their  
14 independence because of their existing surveying  
15 contact with TVA's safety culture analysis, a survey  
16 whose data was used to remove us from our holes in  
17 ECP, again through a condition report, that  
18 condition report was closed, no further action.  
19 Giving me a definition of the term "independent"  
20 pulled from TVA's own procedures.

21 It's as if TVA is the proverbial fox  
22 guarding the hen's house.

23 Even more troubling, the delay we have  
24 experienced has given TVA Nuclear ample time to get  
25 its own house in order long enough for an inspection

1 to occur, but not long enough -- excuse me --  
2 whoever is on the phone, could you put your phone on  
3 mute, please.

4 MR. GLADNEY: Yes. Please, anyone who is  
5 not speaking, please mute your phone. And, again,  
6 if your phone does not have a mute button, please  
7 press star six to mute and star six again to unmute.

8 MS. FULTS: As I was saying, it is very  
9 troubling that the delays we have experienced have  
10 given TVA Nuclear ample time to get its own house in  
11 order long enough for an inspection to occur but not  
12 long enough for lasting change to permeate the  
13 organization.

14 Let's use an analogy of finding out that  
15 company's coming over to your house at the last  
16 minute but your house is a wreck. What do you do?  
17 Stuff everything in a closet and hope they don't  
18 open the door or look under your bed? That's what's  
19 happened countless times at TVA. And that's  
20 happened again, even after we filed our petition.

21 I can confirm that the investigation  
22 into at least one of the allegations I personally  
23 brought forward did not address the concerns as  
24 stated. Due to the nature of the concerns, I will  
25 be more than happy to discuss those issues privately

1 with the PRB should you have any questions.

2 While I now work within a different  
3 business unit for TVA outside of nuclear, I live in  
4 constant fear of what could happen at any of our  
5 nuclear sites because our employees now have to pick  
6 and choose which issues they decide to report.

7 To quote the current Sequoyah plant  
8 manager after Unit 2 tripped last month, "Let's not  
9 make anything worse."

10 I have reason to believe that things  
11 will get worse. It's only a matter of time before  
12 irreparable harm will occur.

13 Thank you for your time and  
14 consideration. End of statement.

15 MR. GLADNEY: Thank you for your  
16 statement.

17 Ms. Garde, do we have our next presenter  
18 come?

19 MS. GARDE: I believe we have Mr.  
20 Richerson. He's traveling. So maybe I'm not sure  
21 if he's able to call in. If he is, I would ask that  
22 Mark go over his statement.

23 MR. RICHERSON: Thank you, Billie.

24 Let me ask how many minutes do I have.  
25 I know we're quitting in 25 minutes; right?

1 MR. GLADNEY: I would like to, I would  
2 like to offer that, based on the time, we will be  
3 flexible with the time to the extent that we can.  
4 So, please just proceed forward and we will amend  
5 the schedule as needed.

6 MS. GARDE: Yeah, Mark, try to keep it to  
7 about -- Mark, try to keep it to about 10 minutes.

8 MR. RICHERSON: Okay. I can do that.  
9 Thank you.

10 I have a rather lengthy statement, so I  
11 won't read the whole thing. It's my understanding  
12 that it will be filed at the NRC after the meeting.  
13 So I will just hit the highlights.

14 MR. GLADNEY: Thank you.

15 MR. RICHERSON: Bear with me, please.  
16 I've got to get back to my statement here.

17 All right. Again, my name is Mark  
18 Richerson. I was a former ECP manager at Browns  
19 Ferry. I had that position for quite a significant  
20 time. Previously worked in QA. Engineering, I  
21 worked in engineering also.

22 After my removal from the ECP I was put  
23 back in QA for a few months. Currently I'm a  
24 program manager in engineering.

25 First I'll say that SCWE at TVA is not

1 well, and the NRC needs to take action to enforce  
2 improvements by granting the subject petition. The  
3 NRC needs to do so because TVA has failed to improve  
4 the broken SCWE on its own report. The simple truth  
5 is that TVA management does not understand the value  
6 of SCWE. If they did, it would not be reliving the  
7 past today.

8 I thought about this like Bill Murray in  
9 Groundhog Day, repeating the same thing year after  
10 year. The only difference is Bill Murray's day gets  
11 better, ours stays the same or gets worse.

12 TVA talks a good show. But the reality  
13 is different. Every time TVA gets called on the  
14 carpet for an event from SCWE, management begs for  
15 forgiveness, makes excuses, and vows to take  
16 numerous actions that result in no improvements.

17 TVA management tells the NRC and the  
18 public whatever they want to hear so they stay out  
19 of trouble and continue to operate their low-  
20 performing plants. We only have to look at the  
21 recent 16 NRC apparent violations for confirmation  
22 of TVA's poor behavior.

23 And this is important: if TVA (telephone  
24 interference) pertinent information regarding the  
25 Watts Bar chilled work environment to the NRC, how

1 can the NRC believe what they are providing now  
2 accurately (telephone interference) about the ECP?  
3 My statement is I don't think you can.

4 The same management proxy that has  
5 resulted in some of the lowest plant rankings in  
6 this country is the same management proxy that is  
7 hurting the SCWE and the ECP program.

8 I've got three topics I want to discuss.  
9 And I think they're new topics from what we're  
10 talking about.

11 This is the first one. That there's a  
12 disconnect between TVA management's public display  
13 of current ECP and SCWE performance and reality.

14 As part of the Employee Concerns Program  
15 changes through a national (telephone interference)  
16 review, there ought to be changes. However a valid,  
17 honest assessment review is not performed, instead  
18 there's only a check-the-box effort. A single  
19 individual, a long-time TVA contractor that was  
20 involved in previous Employee Concerns Program  
21 changes, it's for (telephone interference) check-  
22 the-box review.

23 Those surveys (telephone interference)  
24 employees were completed to support the task.  
25 (Telephone interference) predestined to tell



1 management what they wanted to hear.

2 And I want to be sure we understand that  
3 point, that the person who did the technical review  
4 was involved in the changes to the program. So, of  
5 course, he came up with the answer management  
6 wanted.

7 If they really wanted an honest answer  
8 they would have brought somebody in that was  
9 negative on the program before and see if they were  
10 not so negative. There were plenty of people who  
11 could do this. There was a group that did a really  
12 good job in OIG a few years ago. They would have  
13 been the perfect people to bring back in, not  
14 somebody who was completely under management's  
15 control.

16 The review failed to address key items  
17 from numerous condition reports raising concerns  
18 about the current ECP. There have been several  
19 negative anonymous condition reports written by  
20 employees during the last year. The anonymous  
21 condition reports references to ECP incompetence are  
22 alarming.

23 During my tenure in ECP I don't recall  
24 any condition reports written disparaging the ECP  
25 program. This is a new trend, and verifies a

1       downturn in the faith in the Employee Concerns  
2       Program by employees.

3               Nor did the review consider other  
4       inputs, other key inputs, such that the number or  
5       nature of the NRC allegations, or input from the NRC  
6       and allegations (telephone interference). This lack  
7       of inclusion points to further incompetence for TVA  
8       not wanting the truth.

9               TVA leadership was so focused on  
10       declaring mission accomplished they had declared  
11       SCWE a strength at Browns Ferry and Sequoyah. This  
12       is not a realistic conclusion. TVA has 16 NRC open  
13       apparent violations related to chilled work  
14       environment and SCWE. This is the worst performing  
15       plant in the country and leads the industry in NRC  
16       allegations.

17              It is inconceivable and insincere that  
18       management can declare SCWE and ECP a strength.  
19       This conclusion can only be reached by the use of  
20       inefficient group thinking and self-deception.  
21       Further, the Nuclear Safety Review Committee is  
22       operating in an environment where people are afraid  
23       to speak the truth.

24              It is time for NRC to wake people up so  
25       they can see the truth. The NRC should demand a

1 true independent review of SCWE and the ECP. Again,  
2 this review cannot be provided by someone like OREU,  
3 as previously done, because they had a conflict of  
4 interest.

5 That was topic one.

6 Topic two is TVA's SCWE is inadequate  
7 and getting worse. And I just have a couple  
8 examples I want to cover. And these are recent  
9 examples.

10 As a former senior ECP program manager  
11 at Browns Ferry, employees have continued to  
12 approach me in regard to how to handle and raise  
13 issues or problems. Many of these employees do not  
14 have faith in their management's protective action  
15 programs of the revised ECP.

16 The changes in the ECP eliminated the  
17 last internal route to raise issues since they all  
18 treat their programs independent. Instead, the  
19 management informed employees as a decision of  
20 management. This defeats the entire concept of an  
21 alternate process for raising concerns.

22 For example, recently a management-level  
23 employee suddenly had no place to raise an issue  
24 because he wanted to keep his job. He refused to go  
25 the NRC because he believed the NRC would simply

1 refer the item back to TVA for investigation where  
2 he would be identified and retaliated against.

3 In the past I've reported numerous  
4 issues to the NRC on behalf of employees.  
5 Unfortunately, these concerns raised by certain  
6 employees were locked into one basket (telephone  
7 interference) concern. The NRC is (telephone  
8 interference) TVA plant from reviewing the data.

9 Even if accounting methods at TVA plants  
10 are considered, TVA still leads in NRC allegations.  
11 This reflects a poor SCWE for TVA, plus an  
12 ineffective revised Employee Concerns Program.  
13 Since employees do not receive any feedback from  
14 concerns raised to NRC, employees have simply  
15 stopped raising some issues to the NRC. This is one  
16 of the worst things that could happen to TVA and the  
17 NRC.

18 The following provides some examples of  
19 a recent retaliation to enforce SCWE at TVA. I'm  
20 leaving out significant details to protect those  
21 involved. However, I can provide additional detail  
22 to the NRC in a private meeting.

23 In a recent quality assurance audit  
24 employees identified an issue that met the criteria  
25 of a finding reportable to the NRC. All the

1 employees in the audit team and other quality  
2 assurance employees agreed the issue and problems  
3 are serious. However, the audit team was  
4 overridden.

5 The employees were concerned that the  
6 issue would not be classified as a finding. Part of  
7 the justification for not classifying an issue as a  
8 finding was even if it was a finding, it would only  
9 result in a low-level NRC non-significant violation.

10 The audit team employees do not agree  
11 with this perspective but did not raise the issue  
12 further out of fear of retaliation. The employees  
13 do not have faith in any TVA reporting path in which  
14 to raise issues. The audit team said specifically  
15 they were not taking concerns to the Employee  
16 Concerns Program because it was now a management  
17 program and they lacked the trust of those involved.

18 Later, in a group meeting some audit  
19 team members stated they believed they were being  
20 subject to harassment and intimidation for trying to  
21 raise the issue as a finding. Other employees  
22 stated they would not raise the issue or other  
23 issues further due to favoritism and a chilled work  
24 environment on the part of management.

25 Employees stated that they do not --

1 those that do what management wants get rewarded,  
2 and those that do not get punished. It should be  
3 noted, in January 2019 an independent reviewer  
4 working for a corporate ECP identified issues of  
5 favoritism on the part of quality assurance  
6 management. But no action was taken to correct the  
7 situation (telephone interference) favoritism.  
8 There was an effort (telephone interference) change  
9 the work environment.

10 Since favoritism is a form of  
11 harassment, per intimidation, retaliation,  
12 discrimination, the SCWE has a zero policy against  
13 it. But policy --

14 MR. GLADNEY: I'm sorry. It must have  
15 been a -- I'm hearing some noise on the phone.  
16 Whoever, just please remember that we have a speaker  
17 and so if you're not speaking, please mute your  
18 phone. And if you don't have a button on your  
19 phone, please use star 6. Thank you. You may  
20 proceed forward.

21 MR. RICHERSON: Thank you. Members of  
22 quality assurance have already discussed a chilled  
23 work environment over recent years. Some quality  
24 assurance employees believe the commission did this,  
25 and have lost faith in all A1 tiers, including the

1 NRC, that anyone will improve this keeling in the  
2 organization.

3 I'm going to stop there and skip then to  
4 Item 3 to save time. Basically, three is TVA  
5 maintains its process for systematic harassment,  
6 intimidation, retaliation in the demonstration, in  
7 discrimination for its failure to follow policies to  
8 eliminate her.

9 It is well-known and documented that TVA  
10 has a poor record related for safety culture. This  
11 is a given. There's no need to rehash some lengthy  
12 history here. But it's also well-known that TVA has  
13 taken inadequate action to remedy the situation.  
14 This is confirmed by the recent chilled work  
15 environment in operations and our appeal thus far,  
16 the recent BOL retaliation timing and the recent 16  
17 SKU related NRC apparent violations.

18 What's more all applied to a systematic  
19 culture that TVA has not been able to or is  
20 unwilling to change. This culture is a plague on  
21 employees and contributes to lower plant performance  
22 and danger to the health and safety of the public.

23 This is not a condition that the NRC can  
24 allow to continue. TVA asked an ineffective and  
25 incoming action and procedure proceed through

1 policy. TVA procedure and policy clearly states  
2 that there's a zero tolerance for any type of hurt.

3 While TVA policy is tied to low level  
4 employees and contractors, it should get some  
5 attention or should it be applied to managers and  
6 payment managers.

7 Members and managers are often kept in  
8 place, passed to other lateral positions or  
9 promoted (simultaneous speaking) for a confirming  
10 instance.

11 This double standard is noticed by  
12 employees and has created an environment that allows  
13 management to engage and work with impunity while at  
14 the same time preventing employees from raising  
15 concerns.

16 Employees will pay the price for raising  
17 unpopular issues and voicing unpopular concerns.  
18 The (telephone interference) communications does not  
19 exist as noticed in the previous example involving  
20 QA.

21 Now nobody get off scot-free for  
22 engaging in hurt. They only need to look at the  
23 situation involving Watts Bar in order to confirm  
24 this.

25 It may look to be a situation regarding



1 the information of annual performance reviews raise  
2 this in employee performance.

3 Employees have been rated lower after  
4 raising issues. Some have been rated in the lowest  
5 tiers of performance with no explanation or reason  
6 identified in their performance reviews.

7 This is clearly against TVA policy.  
8 When brought to the manager's attention, the  
9 situation is ignored. This contributes to the  
10 culture of systematic hurt.

11 And note I can provide specific examples  
12 of this situation and a pile of names to the NRC.  
13 The intentional inadequate explanation of scaling  
14 procedures and policies as well as human resource  
15 and resource procedures are creating this culture of  
16 systematic hurt and the NRC must take action to  
17 break these obvious ingrained horrible cultures.

18 In conclusion, I would just like to  
19 request the NRC enforcement action, with the  
20 conditions outlined in the petition, and exemplified  
21 by our statements and input.

22 I'm going to leave the rest of it out.  
23 I thank you for your time and your effort. I do  
24 want to make the statement that I am sending in fear  
25 of hurt. I've been subject to retaliation prior to

1 my removal from ECP. I've been subject to  
2 retaliation after my removal from ECP. And I've  
3 continued to have been subject to retaliation  
4 recently. Thank you.

5 MR. GLADNEY: Thank you for your  
6 statement. Ms. Garde, do we have another presenter?

7 MS. GARDE: Just a couple of points to  
8 conclude our presentation. It's been made by a  
9 number of the speakers, but I want to reiterate it  
10 here in that I'm not sure if the PRB knows this, and  
11 I'm sure that Lisa Jarriel can explain this, but  
12 it's important to understand that the NRC  
13 inspections relied upon did not include interviews  
14 of the former ECP representatives, the people with  
15 the best perspective on the issues at the site on  
16 the issues at the site.

17 They were interviewed regarding their  
18 specific allegations of retaliation, which is now at  
19 OI, but they were not interviewed about the  
20 perspectives or insights on the safety culture work  
21 environment.

22 It's also important to know that the NRC  
23 allegation numbers that have been discussed and  
24 relied upon are somewhat deceptive because  
25 allegations actually refers to persons. That is the

1 number of persons who raise concerns. So a specific  
2 person who raises concerns still shows up in the NRC  
3 database as one number.

4 And therefore in the case of the ECP  
5 representatives, when they were trying to serve as a  
6 conduit for other people at the site, they still all  
7 show up as one concern except in one particular case  
8 where we persuaded the NRC to give these individual  
9 allegations a number.

10 All the rest of the concerns reported  
11 still show up as only three, one for each of the ECP  
12 representatives, which is entirely deceptive in  
13 terms of the number of concerns that are actually  
14 being raised and have been raised through these ECP  
15 representatives to the agency. And so relying on  
16 those deceptive numbers in the database is really  
17 inappropriate. And so it needs to be modified.

18 I really appreciate the time and  
19 attention that you have given to the presenters  
20 today. I realize it's taken quite a bit of the  
21 time. So I'm glad Andy was able to get them an  
22 additional hour.

23 That concludes our presentation. I  
24 realize it doesn't leave a lot more time. But thank  
25 you very much. And any of us will entertain any

1 questions that you may have.

2 MR. ERLANGER: Thank you, Ms. Garde.

3 This is Craig Erlanger, the PRB Chair. I would like  
4 to take a moment and thank you and the other  
5 presenters for your time today and for providing the  
6 NRC staff with clarifying information on the  
7 petition you submitted.

8 As we stated in the opening, we are  
9 going to enter a question and answer phase of the  
10 meeting. And at this time, I'd like to ask if any  
11 of the PRB members have any questions for the  
12 Petitioner?

13 MR. STEVENS: Yes. This is Tom Stevens,  
14 Acting Branch Chief for the TVA sites. Ms. Garde,  
15 thank you and your other presenters. That was a  
16 good presentation to us. I appreciate the time that  
17 you took to prepare that for us.

18 I did have one question. Can you or one  
19 of your fellow presenters describe for us the  
20 differences in the daily activities of an ECP  
21 coordinator between the previous program and the new  
22 program. Thank you.

23 MS. GARDE: I'm not sure that any of our  
24 folks would be able to do that. But I'm going to  
25 ask Mark to try to answer that because obviously the

1 new -- we are not the new ECP people or the old ECP  
2 people. But they have that perspective and I think  
3 Mark, could you answer that question as best you  
4 can?

5 MR. RICHERSON: Yes. I'll try my best.  
6 And I'll ask Melody and Deanna to pop in if I'm off  
7 track. But basically as ECPs we acted as conduits  
8 for concerns from employees. Employees brought us  
9 concerns, all types of concerns, from the mundane, I  
10 mean, really parking lot issues about the parking  
11 lot, all other safety issues or safety issues by the  
12 plant.

13 As appropriate, we investigated those  
14 issues and resolved those issues. We went out and  
15 we sought issues. We talked to employees. We built  
16 relationships. We were independent aligned  
17 management. We did not report to the site VPs. The  
18 new employees were at least in part respected by the  
19 site VPs and approved by site management.

20 We were not. We were subject to an  
21 interview process. Because we are independent, we  
22 have certain backgrounds, and we knew people in the  
23 plant and could get out and do the job.

24 And for all my years at ECP, we were all  
25 rated as good employees. Never as poor performers.

1 As a matter of fact when we were removed from our  
2 positions on May the 13th last year, we were told  
3 it's not because of our points. I hope that wasn't  
4 (simultaneous speaking).

5 MS. GARDE: Deanna or Melody, do you  
6 have anything to add to that?

7 MS. FULTS: (Simultaneous speaking.)

8 MS. BABB: I have something to add.

9 MS. FULTS: Oh, go ahead, Melody. I was  
10 just going to point out what I do know is what I  
11 have observed from the condition reports that I have  
12 read based on some of the effectiveness reviews, if  
13 you can call them that, that were conducted by, I  
14 believe it was Tom Kozak as an outside consultant.

15 And so, you know, there are some  
16 fundamental flaws with the program as it currently  
17 exists that it's just not industry standard.

18 You know, there's the notion that they  
19 actually may be doing a little bit less work than we  
20 would have done because we surveyed employees. And,  
21 you know, prior to the chilled work environment  
22 recovery plan relied heavily on those things that  
23 management had refused to do or not allowed ECP to  
24 then fully do prior to the chilled work environment  
25 letter being issued in operations.

1           So, you know, we spent a large amount of  
2           time doing that. Only in the last few months has  
3           the program began to look at what those things are,  
4           and they're certainly not as thorough or voluminous  
5           from what we've been able to hear from employees.

6           So it's certainly not the same caliber  
7           of work or the same level of intensity and focus  
8           that had been applied on a daily basis to the work  
9           that we were doing.

10           Melody, did you want to go ahead and add  
11           something?

12           MS. BABB: No. I had something that's  
13           kind of in support of what you said. When we did  
14           surveys and pulsings, we did those so that employees  
15           could report things anonymously.

16           From what I've been told, which, you  
17           know, I don't know for sure because I'm not running  
18           the program now, but the current ECP, most of the  
19           pulsings are the ECP employees going around and  
20           talking to people one-on-one. So they can be  
21           confidential, but they're not anonymous. And so  
22           that's a big difference for employees that want to  
23           report things and really don't want anybody to know  
24           who they are.

25           And another comment I wanted to make is

1 that we were qualified to do our own interviews and  
2 investigations. And I believe we had more extensive  
3 training on the skills that we needed to perform  
4 these and to be ECP professionals.

5 So I think that -- again, I don't know  
6 exactly what kind of training has been done, but I  
7 believe we were more highly qualified.

8 MR. ERLANGER: This is Craig Erlanger.  
9 Thank you for your response. Do any other PRB  
10 members have questions for the Petitioner? Okay.  
11 Does the licensee have any questions for the NRC,  
12 PRB related to the issues raised in the Petition?

13 MR. WILLIAMS: Yes. Good afternoon. My  
14 name is Tony Williams. And I'm the site Vice  
15 President at Watts Bar. I do have a statement on  
16 the ECP that may get into some of the questions that  
17 were asked about the differences between the  
18 previous ECP program and the current ECP program.

19 But, you know, a little bit, as you're  
20 aware, you know, TVA Nuclear significantly changed  
21 its model associated with the Employee Concern  
22 Program.

23 This was made in order to improve and  
24 strengthen our overall nuclear safety culture. I  
25 just want to share with you some of my experiences



1 from somebody who has been in -- I mean, I've been  
2 in the industry for 30 years. I've been at  
3 different locations. I've seen ECP programs from  
4 three different utilities and five different  
5 stations.

6 First of all, there were some  
7 statements. It wasn't really made in this format,  
8 but it's been made in the past that I just want to  
9 clear things up that we've heard repeatedly about  
10 the ECP program and the TVA employees who were the  
11 ECP representatives.

12 They were not fired or dismissed from  
13 TVA as you guys know. They remain TVA employees.  
14 The positions were re-scoped. They were changed to  
15 a new different job description, different skill set  
16 to fit in a new ECP model, different work  
17 experiences, different attributes that will allow a  
18 different way to interact with our site employees to  
19 find those core issues at a much lower level before  
20 they get to larger safety conscious work environment  
21 or safety culture issues.

22 As we identified individuals who better  
23 fit for these new ECP roles, the previous  
24 representatives were provided equivalent or  
25 sometimes even higher positions within TVA. These

1 were permanent positions. They still are employed  
2 with us today.

3 To get to my experience under the old  
4 TVA ECP model, the employees had to speak out to ECP  
5 personnel to raise issues. They did a lot of  
6 pulsings, and they were not as much in the field.  
7 They did stop by in the shops. But they didn't  
8 interact as much one-on-one as were mentioned.

9 This led to some of the issues being  
10 higher level issues, issues that built up within the  
11 employee until they felt they had no other issues  
12 but then to go to ECP and then raise them up to a  
13 higher level of management instead of being resolved  
14 at lower levels more efficiently with the engagement  
15 of the supervisors, foreman or the shop to address  
16 some of their initial concerns at a much lower,  
17 earlier proactive level.

18 Issues often took longer to build up to  
19 the ECP awareness in the previous process. And thus  
20 went through a cumbersome process to get resolved.  
21 Employees often would not take issues to ECP because  
22 they did not view it as an effective route to get  
23 those resolved.

24 Today our ECP is different. Based upon  
25 my observation by monitoring of the data, I do talk

1 to our employees all the time and the feedback that  
2 I am receiving from them is feedback from outside  
3 assessments, including those conducted by the NRC.

4 Our ECP representatives, they're in the  
5 field. They're inside the RCA. They're proactively  
6 talking to the employees. They have backgrounds  
7 that are in those craft positions that they can  
8 relate to the individuals, engage with them more  
9 fluently.

10 And they bring up issues that are lower  
11 level issues. They address them right to the  
12 individuals responsible. They've been in those  
13 positions in supervisory roles. They know where to  
14 go to get the resolution at the right level. So the  
15 resolution gets done faster.

16 We do have issues that raise up that  
17 maybe don't get resolved at the first level. The  
18 ECP representatives continue addressing the issues  
19 and following back with the individuals to ensure  
20 that they feel comfortable with the resolution of  
21 the issues. If not, they continue to address and  
22 work at higher and higher levels in the organization  
23 to get them resolved.

24 The employees are engaged with our ECP  
25 representatives in the field. As I mentioned, they

1 know what the work environment is supposed to be  
2 like with the work in the field. And they do a lot  
3 of their interactions in the field where they can  
4 get good information at very low levels.

5 The ECP helps enhance our nuclear safety  
6 culture at all levels, which I can say is stronger  
7 now than it has been in the past couple years.

8 We did have external assessments that  
9 have noted these same improvements. We did talk  
10 about the nuclear safety culture and the employment  
11 and engagement improvements. Both internal and  
12 external assessments continue to be placed not only  
13 on our ECP program but our work environment issues,  
14 our nuclear safety culture and our safe conscious  
15 work environment as well are being improved  
16 positively.

17 The NRC is also monitoring TVA's nuclear  
18 safety culture. In October 2019 at Watts Bar, you  
19 determined that we are continuing to make progress  
20 in our safety conscious work environment.

21 Your review of recent allegations at  
22 that time did not identify any significant trends in  
23 these allegations involving a chilling effect or a  
24 discrimination concern. And we at Watts Bar have  
25 improved our identification of work environment

1 changes via our safety culture monitoring tool.

2 So as we mentioned, ECP is just one of  
3 the tools and processes that we did change to get  
4 better results of our safety culture than what we  
5 had seen in the past.

6 While the cross-cutting issue in chilled  
7 work environment letters remained open at Watts Bar,  
8 the NRC is using these inspections to provide input  
9 into the decision-making progress of their closure.

10 The NRC continues to monitor TVA  
11 activities and maintain safety conscious work  
12 environments through the reactor oversight process.

13 It's been my experience in the industry,  
14 my conversations with my employees and the feedback  
15 that we receive from external observers, I would not  
16 want the TVA ECP program to step backwards to the  
17 older model.

18 It is something that I've seen utilized  
19 in the industry effectively. I do believe the ECP  
20 representatives that we currently have have the  
21 background that I've seen effective in this new type  
22 of model to get those low level issues addressed at  
23 a much, much proactive level, much earlier in the  
24 process and don't allow things to build up before  
25 they become safety culture issues.

1 Today we have a better and more  
2 effective path that has shown positive results  
3 within our ECP and our employee engagement and  
4 morale, which is improving our overall nuclear  
5 safety culture at Watts Bar and across TVA.

6 Thank you for your time.

7 MR. ERLANGER: Thank you for your  
8 statement. This is Craig Erlanger. Does the  
9 licensee have any other questions for the NRC PRB?

10 MR. COOK: Craig, can you hear me?

11 MR. ERLANGER: Yes. Can you identify  
12 yourself for the record?

13 MR. COOK: This Geoff Cook in Phoenix,  
14 Arizona. I'm a member of the public, and I've got  
15 some comments I'd like to pass on.

16 MR. ERLANGER: Geoff, we will have a  
17 portion coming up here in the next couple minutes  
18 where we are going to open it up to the members of  
19 the public. Would you mind waiting for that time?

20 MR. COOK: Thank you. Absolutely.

21 MR. ERLANGER: We will come back to you.

22 MR. COOK: Okay.

23 MR. ERLANGER: Okay. Thank you. Does  
24 the Petitioner have any questions about the 2.206  
25 process?

1 MS. GARDE: I don't think I have any  
2 more questions about the 2.206 process. I  
3 understand the TVA statement was not really a  
4 question. It was a statement. I'm not going to  
5 rebut it. But, please, don't take my silence as  
6 acceptance.

7 MR. ERLANGER: Thank you, Ms. Garde.  
8 Does the licensee have any questions for the NRC PRB  
9 about the 2.206 petition process?

10 MR. WILLIAMS: We do not.

11 MR. ERLANGER: Thank you. Before I  
12 conclude the meeting, members of the public may  
13 provide comments regarding the petition and ask  
14 questions about the 2.206 petition process.

15 However, as stated in the opening, the  
16 purpose of this meeting is not to provide an  
17 opportunity for the Petitioner or the public to  
18 question or examine the PRB regarding the merits of  
19 the Petition request.

20 And with that, I believe we have a  
21 question from a member of the public. Sir, the  
22 floor is yours.

23 MR. COOK: Thanks, Craig. I appreciate  
24 that. I can't make comment without going, like a  
25 number of have, through our backgrounds because it's

1 relevant to where we're at.

2 I started in the commercial nuclear  
3 industry at Cooper Station back in the 80s. They  
4 had their share of operational issues and challenges  
5 with Region 4, and I had a lot of experience with  
6 that.

7 In 1989, I went to Fort Calhoun. Fort  
8 Calhoun brought me I because they were on the watch  
9 list. And at that time I was manager of licensing  
10 and I was also manager of the safety enhancement  
11 program, the \$36 million program that did, I  
12 believe, 73 different items of improvement across  
13 the station.

14 From that point in 1996, I went to San  
15 Onofre, where I was for 14 years, another  
16 interesting experience in terms of safety conscious  
17 work environment improvement.

18 And you can ask them if you ever see  
19 them, but now Dr. Chuck Caster would tell you that  
20 we were driving him crazy because in his mind, and  
21 maybe some of the folks at NRC Region 4, the  
22 performance of San Onofre was such that Chuck  
23 believed that we should have had the event that  
24 would put San Onofre in Column 4.

25 And on several occasions he commented to



1 me that we were undermining the very premise of the  
2 reactor oversight program, that we should have had  
3 that event that put us in Column 4, but we hadn't.

4 We did a lot of work in terms of  
5 performance improvement up that station. And at one  
6 point we were writing, I believe 6,000 CRs a month.  
7 It was absolute lunacy. It was coming so fast at us  
8 that dealing with it was -- it was just bearing down  
9 on the station. And Region 4 kind of went the other  
10 way and said, my gosh, how are you dealing with all  
11 of this? We were identifying everything.

12 Ultimately, in terms of our performance  
13 improvement plan, and this is the important piece  
14 that I want to pass on. We had a series of meetings  
15 in Washington and at the station to discuss our  
16 performance improvement plan.

17 And at one point Kristine Svinicki, then  
18 on the Commission, commented and said, your plan is  
19 extremely complex. But I understand that this is  
20 San Onofre and this is California and what might  
21 work elsewhere isn't going to work here so you've  
22 got a plan tailored specifically to the environment  
23 you're in.

24 And I think that's key to this 2.206  
25 petition and why I want to speak about this. I left

1 San Onofre in 2010. But I spent three years -- a  
2 lot of people don't know this, Southern California  
3 Edison owns 15.8 percent of Palo Verde.

4 So when Palo Verde got into regulatory  
5 trouble and went into Column 4, I think it was 2004-  
6 05, Edison tapped me on the shoulder because of my  
7 licensing background and said we'd like you to go  
8 over there.

9 And I wrote some white papers of what  
10 their performance was and where I thought they were  
11 headed. And sure enough, they went right into  
12 Column 4.

13 And I spent three years at that station  
14 watching their performance improvement program that  
15 was being run by Maria Lacal, and she did a fabulous  
16 job. And I watched the change in culture at that  
17 station, knowing full well that what was done at  
18 Palo Verde wouldn't have worked with San Onofre. It  
19 just wouldn't have. It's such a different  
20 environment.

21 So subsequently in 2010, I left San  
22 Onofre, and I went to TVA. And I went in as manager  
23 of licensing at Sequoyah, not knowing kind of the  
24 environment I was walking into or what the issues  
25 were.

1                   Now, look, I wanted to tell you that my  
2                   first day onsite at Sequoyah, I was called into the  
3                   site VP's office. At that time, someone was manager  
4                   of licensing at that site who later on, a number of  
5                   years later, went into corporate licensing and  
6                   subsequently was terminated and did a DOL filing.  
7                   And I believe they found in her favor.

8                   But the shock to me was the day I showed  
9                   up on site, and no one knew I was coming, no one,  
10                  except, I believe the site VP and the plant manager.

11                  And I was called into a meeting with the  
12                  site VP. And his comment was I want that woman out  
13                  of here. And I want that woman out of here now.  
14                  And that was the first I knew that this wasn't a  
15                  plant change at Sequoyah. This was a hostile  
16                  takeover. And I was right in the middle of it and  
17                  hadn't been told any of it.

18                  Fine. So I soldiered on. We changed.  
19                  I took over as site licensing manager. The  
20                  following few months we ended up in an outage on  
21                  Unit 1, a refueling outage.

22                  And we were getting to go into Mode 4  
23                  and there was an issue MLV valve packages. QA had  
24                  found 76 valve packages that weren't appropriately  
25                  signed off. The paperwork wasn't all in place.

1                   And my phone rang. And it was the site  
2                   VP who told me to get down to the OCC in not very  
3                   pleasant terms. And I went down and he said, as  
4                   site licensing manager, it's your job to make this  
5                   issue go away and make it go away now.

6                   That's the first I had ever been told  
7                   that by anybody at any site I had been at. So,  
8                   fine. I engaged the QA manager who had that  
9                   concern, and I basically proffered up a deal and  
10                  said what if we sample 25 percent of the packages?  
11                  Okay, fine.

12                  Well, they went and did a sampling.  
13                  Everything seemed okay. Eight months later I was in  
14                  an offsite meeting with the Safety Review Board.

15                  Carl Terry was the chair at that point.  
16                  And Carl looked at us and said I have no idea how  
17                  you ever started up Unit 1 in the condition you were  
18                  in. For the life of me, I never would have started  
19                  up the unit in this condition.

20                  The next thing I knew the QA manager was  
21                  in my face saying I will never compromise my  
22                  standards again. I had done my job. I had talked  
23                  her into something she didn't believe in, and she  
24                  went with the program that was unacceptable. And we  
25                  ended up paying the price by getting redressed in

1 front of the Offsite Review Board.

2 I left Sequoyah, oh, I think it was  
3 2014, and I went to corporate licensing. And I was  
4 there for maybe two months, and we had the 95003  
5 inspection coming at Browns Ferry.

6 And I was told by my licensing VP to go  
7 down to Browns Ferry and do an assessment of what  
8 the ECP program looked like, what safety culture  
9 issues were.

10 And the following Monday I came back to  
11 corporate with my VP and said I'm the new manager of  
12 ECP effective now. I'm done with licensing. There  
13 was enough issues to deal with in prepping for the  
14 inspection that we simply couldn't afford to say,  
15 okay, it's a licensing part-time duty.

16 And it had gotten that way because they  
17 had had a manager of ECP that they had taken that  
18 position and downgraded that position to a program  
19 manager. And that individual who was in that  
20 position didn't like that downgrading and basically  
21 walked off and said I'm done. I'm retiring.

22 All of it, looking back now, quite  
23 honestly with the improvements that San Onofre made,  
24 I couldn't come close to comparing programs between  
25 the two sites.

1           We were hired over on one side and TVA  
2           was kind of hired over on the other side. I just  
3           didn't see it. I didn't understand. The cultures  
4           were so different because San Onofre had worked so  
5           hard to get where they were.

6           One other aspect to me that was shocking  
7           at some level, I retired in October of 2016 and now  
8           it's been maybe two years ago. There was an  
9           individual who had gone in as licensing manager at  
10          Sequoyah, someone I knew very well. Someone I had  
11          hired at San Onofre who had worked for me for 12  
12          years, someone very competent.

13          And I hadn't heard much from him in a  
14          few months. And I got a call out of nowhere and he  
15          said, Geoff, sorry I haven't called you. I haven't  
16          been able to. And I said, what do you mean? Well,  
17          I've been on suspension. What? Yes, I got  
18          suspended.

19          Wait a second. Hold it. I've been  
20          involved with a number of filings with the NRC,  
21          challenges of 50.9 issues out of Region 4. We had  
22          weathered those storms. I was floored.

23          But I came to find something out. And  
24          that was that the individual was suspended with pay  
25          and the intent in my mind was very clear. The

1 adverse action procedure that TVA has says if a  
2 person is getting paid even though they have been  
3 suspended, we can work around the process. We don't  
4 have to do anything.

5 So that additionally became an  
6 allegation filed with Region 2 and was something  
7 else the NRC had to deal with.

8 My point in all of these comments is  
9 this. It's what Kristine Svinicki said. Because it  
10 worked elsewhere doesn't mean anything relative to  
11 its ability to work at TVA because what happens at  
12 Susquehanna aren't going to work at San Onofre.  
13 Today it doesn't matter. They're not operating.

14 But it's not going to work at Palo Verde  
15 because you have to understand the culture. You  
16 have to have a real world view of it before you go  
17 making changes like that. And it just seemed to me  
18 that it was a snap decision.

19 And I have to say because I was the team  
20 lead for ECP at Browns Ferry, yes, we did a lot of  
21 dancing. We really did. We put a smiley face on  
22 all of it, and we made it look good.

23 And I would sit there and tell you that  
24 I looked at management and the attitudes of  
25 management and how they were operating themselves

1 and told myself, hold on. This isn't a culture that  
2 says bring me your problems.

3 And we saw multiple examples of that  
4 after the ALTRI (phonetic) inspection left where  
5 people were taking actions that weren't acceptable  
6 under a safety conscious work environment.

7 So all I would tell the Board is this.  
8 Whatever decision you make under 2.206, you better  
9 consider the facts of what the environment is at  
10 TVA, who they are. You better have a clear mental  
11 picture because -- and Lisa Jarriel is going to sit  
12 there and say, I know.

13 When I was at San Onofre, we had an  
14 engineering vice president and a coordinator who  
15 both had come from TVA that were the biggest abusers  
16 of safety conscious work environment I ever saw in  
17 my whole career. There were just -- and we had to  
18 when we went to recovery at San Onofre, we had to  
19 work around those individuals and eventually that  
20 vice president got terminated because it just wasn't  
21 going to work as long as he was onsite.

22 So consider what you've got in front of  
23 you and understand. And I would say if we got  
24 through the ALTRI (phonetic) inspection of Browns  
25 Ferry in I believe 2012, '13 somewhere around there,



1       how did we manage to do that?

2                   Did we just straight up lie about what  
3       we had? No, we did an honest program assessment,  
4       looked at where we were at and said, yes, we've got  
5       our challenges, but we think this is working.

6                   So I'm just going to say what Kristine  
7       Svinicki said. Be careful what you do and think in  
8       terms of who TVA is and how they operate and tell  
9       yourself that plan works for this utility because it  
10      may not.

11                  Thank you for giving me the time to make  
12      comments.

13                  MR. ERLANGER: Thank you for your  
14      statement, sir. Do any other members of the public  
15      have any comments they'd like to share with the PRB  
16      Board?

17                  MS. HAGINE-DYER: Yes. This is Inza. I  
18      have a few comments, if I may. I would like to do  
19      so, and I'll try to be brief. I know this is late  
20      in the day.

21                  Just a couple of things. I think that,  
22      you know, as many of you know, I was the former  
23      manager of nuclear employee concerns. And it was  
24      the last of my job, a long career centered around  
25      providing a voice for those who need help

1 expressing their perspectives about their job.

2 And in that job, one of the things that  
3 I was strong in, I thought, was the objective,  
4 looking at the facts or the truth.

5 And truthfully, the one thing that I  
6 have not heard so much of -- I heard a little bit of  
7 -- and it's that there were needed improvements in  
8 ECP. We had been proactively seeking feedback with  
9 self-assessments, participated in numerous work  
10 actions.

11 And in the end, we all asked the team  
12 before renewal that I recognized, and that's one of  
13 the things in the end that all in all that there  
14 were opportunities that we needed to take for  
15 improvement.

16 So we took the initiative to draft a  
17 number of initiatives and presented them to  
18 management. However, you know, it became clear that  
19 the decision had already been made to make the  
20 changes that are on issue.

21 So I think that we could probably spend  
22 all night and all day going back and forth on the  
23 merits of the new model versus the old model.

24 What I would challenge all of us to  
25 remember, and this is especially for the NRC, is

1 that one of the most important things that we  
2 learned, that I learned, is the role that perception  
3 plays in the assessment of the work environment.

4 And so with any change, including the  
5 changes that remain to the model, et cetera, I would  
6 ask to take a look at whether or not the appropriate  
7 steps were taken to ensure that perceptions were  
8 managed so that employees would continue to feel  
9 confident enough to raise concerns.

10 And, again, I understand that a number  
11 of efforts are going forth now to take a look at  
12 that. But perception is very key. And one of the  
13 things that I heard early on was that we were going  
14 to a new model and that the new model was not a  
15 statement or condemnation of the comments of the  
16 former staff.

17 Yet some employees outside of the ECP  
18 questioned whether that was true because of a number  
19 of factors. You know, one, if it's a new model, why  
20 not give these employees the opportunity to test  
21 that new model out, you know, and, of course, what I  
22 had shared with one of the chairs of TVA is that we  
23 were looking also with background with the site and  
24 with the craft so that they could communicate along  
25 those lines.

1                   And that may be well a great movement.  
2           But I don't think that was communicated in the  
3           beginning well enough to the employees. And so I  
4           think that's where a lot of what we were dealing  
5           with here -- it is coming from -- it's not -- we're  
6           getting stuck in the auspices of, you know, what  
7           program is better, what should not, when the overall  
8           question should be how did this training come about  
9           and in such a way that it has the utmost respect for  
10          perceptions that employees might have?

11                   And other employees that, you know, came  
12          to me and said, well, we know that there are issues  
13          with a number of avenues for relaying their  
14          concerns. The Corrective Action Program was also  
15          one that was often in need of a new opportunity for  
16          improvement. Yet we don't see any personnel changes  
17          in that organization. And so, you know, it's hard  
18          to argue with that. But then, again, it's all about  
19          the perception.

20                   But the only thing that I really  
21          encourage all of us to do from all sides of this is  
22          to really focus on what that perception has done to  
23          our work environment.

24                   The thing that kept me awake day in and  
25          day out in my role there and still keeps me awake

1 day in and day out is whether or not we have  
2 conducted ourselves in a way so that every single  
3 person feels that they can raise issues without any  
4 hesitancy because it only takes one person to  
5 hesitate for us to have something disastrous that  
6 could impact the health and safety of the public.

7 So when I heard that there had been a  
8 notice of unusual event at the TVA site, I sat up  
9 half the night so worried about the safety of the  
10 public and hoping that whatever that was -- I didn't  
11 know the details -- that it had nothing to do with  
12 someone's unwillingness to speak out for whatever  
13 reason.

14 So with all of that, you know, I just  
15 want to remind us that we are not, I guess, with  
16 everything else going on in the world. It's a time  
17 for us all to be self-introspective, for us to come  
18 together and to hopefully put all of this behind us  
19 so that we can begin to really focus -- continue our  
20 focus on this great company, TVA which has done so  
21 much for people, and to make sure that they're all,  
22 you know, everybody is safe.

23 So for what it's worth, that's what I  
24 have to say. And thank you for your time.

25 MR. ERLANGER: Okay. Thank you. This

1 is Craig Erlanger, the PRB chair. Do any other  
2 members of the public have a question? We have time  
3 for one more. Thank you.

4 Hearing none, I'm going to turn it over  
5 to Mr. Robert Gladney, today's facilitator.

6 MR. GLADNEY: Thank you, Craig. I want  
7 to add if you have any other questions, please send  
8 them in as provided in the information by Andy Hon.  
9 But for now, due to the time, we will go ahead and  
10 conclude the main portion of the meeting.

11 Before we close, does the court reporter  
12 need any additional information for the meeting  
13 transcript?

14 COURT REPORTER: If I can have the list  
15 of names that you used for roll call at the  
16 beginning provided to me? It hasn't been sent to me  
17 or my office yet.

18 MR. GLADNEY: Okay. Thank you. I'll  
19 have between Andy and myself, he will send it to you  
20 or I will send it to you. But thank you for that.  
21 Also anything else? Is that all?

22 COURT REPORTER: No. That's all for  
23 now.

24 MR. GLADNEY: Okay. Thank you. Okay.  
25 We want to encourage the participants outside the

1 NRC to provide public meeting feedback to the NRC  
2 staff via the NRC public meeting website. With  
3 that, this meeting is adjourned.

4 (Whereupon, the above-entitled matter  
5 went off the record at 3:29 p.m.)  
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