

**From:** Gifford, Ian  
**Sent:** Friday, October 2, 2020 3:27 PM  
**To:** Wilson, George; Thompson, Catherine; Solorio, Dave; Hilton, Nick  
**Subject:** For review: draft slides for Monday's Enforcement Panel  
**Attachments:** NRC Enforcement Panel 10.5.20.pptx

All,

Sorry for not getting this together sooner but I thought it would be a good idea to have some slides to guide the discussion during Monday's enforcement panel. The attached slides summarize TVA's response to each violation and outline options moving forward with a OE proposal to move forward with the violations and CP as written.

Please let me know if you would like to use the slides and, if so, if you have any comments or edits. I will wait to hear before sending it out to the rest of the participants. I especially want to make sure everyone is comfortable with stating OE's position to move forward with the violations and CP as written.

Thanks and have a nice weekend,  
Ian

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# NRC Enforcement Panel TVA Discrimination

EA-20-006 and EA-20-007

October 5, 2020

# Agenda

- Summary of TVA response
- Overview of enforcement options
- Decide on enforcement action
- Align on schedule for path forward

# Summary of TVA Response

Violation 1, SL II: Filing of a formal complaint triggered an investigation by the TVA OGC and that the action was based, at least in part, on the former employee engaging in protected activity.

– TVA Response: Denies violation

- Complaint was filed for non-prohibited reasons.
- Manager was advised to include all information relevant to her allegations.
- Filing a complaint is not an adverse action.

# Summary of TVA Response

Violation 2, SL II: Former employee placed on paid leave until resigning and that the action was based, at least in part, on the former employee engaging in protected activity.

– Response: Denies violation

- Former employee placed on leave for non-prohibited reasons following independent investigation.

# Summary of TVA Response

Violation 3, SL II: Filing of a formal complaint triggered an investigation by the TVA OGC and that the action was based, at least in part, on the former employee engaging in protected activity.

## – Response: Denies violation

- Complaint was filed for non-prohibited reasons.
- Manager was advised to include all information relevant to her allegations.
- Former employee terminated for actions after complaint was filed.
- Filing a complaint is not an adverse action.

# Summary of TVA Response

Violation 4, SL I: Former employee terminated and that the action was based, at least in part, on the former employee engaging in protected activity.

– Response: Denies violation

- Former employee terminated for non-prohibited reasons (numerous disrespectful, unprofessional, and deliberately false allegations).
- ERB unanimously approved termination.

# Corrective Actions

- Similar to those presented at PEC:
  - Adding paid leave to non-ERB adverse action list
  - Pilot Nuclear Investigation Protocol
  - Communications to employees about raising concerns and positive SCWE

# Options

- Impose CP in Order as written
- Reduce CP/Severity Levels
- Withdraw violations
  
- OE proposes moving forward with the SL I and SL II problems and CP as written.

# Schedule

- Draft cover letter, Order imposing CP, and Order appendix responded to TVA's answer.
- EN to accompany Order.
- No specific guidance for timeliness in Enforcement Manual beyond deciding on path forward within 45 days of TVA response.