

From: Gifford, Ian
Sent: Wednesday, October 28, 2020 12:40 PM
To: Schwarz, Sherry
Cc: Thompson, Catherine; Solorio, Dave
Subject: RE: Cover Letter to TVA Order Imposing Civil Monetary Penalty (EA-20-006) & (EA-20-007)
Attachments: TVA cover letter for order 10.27.20 (002).docx

Good afternoon Sherry,

There are a few minor changes to the cover letter document that need to be made. I documented these as track changes in the attachment.

In addition to those changes, "Wilson" should be capitalized in the concurrence block.

Thanks,
Ian

From: Schwarz, Sherry <Sherry.Schwarz@nrc.gov>
Sent: Tuesday, October 27, 2020 5:38 PM
To: Gifford, Ian <Ian.Gifford@nrc.gov>; Thompson, Catherine <Catherine.Thompson@nrc.gov>; Solorio, Dave <Dave.Solorio@nrc.gov>
Subject: Cover Letter to TVA Order Imposing Civil Monetary Penalty (EA-20-006) & (EA-20-007)

Good afternoon Ian, Kitty, and Dave,

Below please find the ADAMS link for the revised subject letter which has been substituted in ADAMS per your instruction. Thanks much.

[View ADAMS Properties ML20297A534](#)

[Open ADAMS Document \(Cover letter to TVA Order Imposing Civil Monetary Penalty \(EA-20-006\) & \(EA-20-007\)\)](#)

Sherry G. Schwarz

Administrative Assistant

Office of Enforcement

301-287-9527

301-415-0753

Location: O14/B14

Sherry.Schwarz@NRC.gov

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1140

Mail Envelope Properties (MN2PR09MB47954726D383CF1EF92F09EAEA170)

Subject: RE: Cover Letter to TVA Order Imposing Civil Monetary Penalty (EA-20-006) & (EA-20-007)
Sent Date: 10/28/2020 12:39:46 PM
Received Date: 10/28/2020 12:39:46 PM
From: Gifford, Ian

Created By: Ian.Gifford@nrc.gov

Recipients:
"Thompson, Catherine" <Catherine.Thompson@nrc.gov>
Tracking Status: None
"Solorio, Dave" <Dave.Solorio@nrc.gov>
Tracking Status: None
"Schwarz, Sherry" <Sherry.Schwarz@nrc.gov>
Tracking Status: None

Post Office: MN2PR09MB4795.namprd09.prod.outlook.com

Files	Size	Date & Time
MESSAGE	1634	10/28/2020 12:39:46 PM
TVA cover letter for order 10.27.20 (002).docx		74069

Options
Priority: Normal
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October XX, 2020

EA-20-006
EA-20-007

Mr. Jim Barstow
Vice President Nuclear Regulatory Affairs
& Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402-2801

SUBJECT: ORDER IMPOSING CIVIL PENALTY – \$606,942 - TENNESSEE VALLEY
AUTHORITY

Dear Mr. Barstow:

This refers to your letter dated September 23, 2020, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent as an enclosure to our letter dated August 24, 2020. Our letter and Notice describe four violations of Title 10 of the *Code of Federal Regulations* (10 C.F.R.) § 50.7, “Employee Protection,” identified during two investigations completed on October 3, 2019, and January 21, 2020, by the U.S. Nuclear Regulatory Commission’s (NRC) Office of Investigations (OI) relating to activities at the Tennessee Valley Authority (TVA).

To emphasize the importance of 10 C.F.R. § 50.7 and prompt identification and correction of violations, a civil penalty of \$606,942 (2 X \$303,471) was proposed.

In your response, you denied all four violations. You also stated that if the NRC continues to believe that the violations occurred, then at a minimum the NRC should reduce the severity level of the alleged violations and commensurately reduce the civil penalty.

For the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty, we have concluded that four violations of 10 C.F.R. § 50.7 occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed.

Accordingly, we hereby serve the enclosed Order on TVA imposing a civil monetary penalty in the amount of \$606,942. Within 30 days of the date of the enclosed Order you should either – (1) pay the civil penalty in accordance with Section IV of the Order, ~~(2) request Alternate Dispute Resolution (ADR),~~ or (23) request a hearing in accordance with Section V of the Order.

You may request Alternate Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral party (the “mediator”) works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions.

Mediation gives parties an opportunity to discuss issues, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/aboutnrc/regulatory/enforcement/adr.html>, as well as NRC brochure NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program," Revision 2 (ADAMS Accession No. ML18122A101). The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. If you are interested in pursuing resolution of this issue through ADR, you must contact ICR at (877) 733-9415 within 10 calendar days of the date of this letter. Additionally, please contact Catherine Thompson at 301-287-9515 or email catherine.thompson@nrc.gov, or Ian Gifford at 301-287-9216 or email ian.gifford@nrc.gov within 10 calendar days of the date of this letter if you choose to participate in ADR. A request to pursue resolution through ADR will extend the time period to pay the civil penalty or request a hearing.

In accordance with 10 C.F.R. § 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

George A. Wilson, Director
Office of Enforcement

Docket Nos.: 05000259, 05000260
05000296, 05000327
05000328, 05000390
05000391

License No.: DPR-33, DPR-52,
DPR-68, DPR-77,
DPR-79, NPF-90,
NPF-96

Enclosures: Order Imposing Civil Monetary Penalty
NUREG/BR-0254 Payment Methods
NUREG/BR-0317 Enforcement Alternative
Dispute Resolution Program

SUBJECT: ORDER IMPOSING CIVIL PENALTY – \$606,942 - TENNESSEE VALLEY
AUTHORITY Dated: 11/ /2020

Distribution:

- P. Moulding, OGC
- A. Shuttleworth, OI
- C. Miller, NRR
- M. Miller, RII
- S. Sparks, RII
- M. Kowal, RII
- OE ADAMS R/F

Non-public (for now)
 ADAMS Package Accession No.: **ML20297A525**
 Cover Letter: **ML20297A534**
 Order: **ML20297A544**
 Appendix: **ML20297A552**

OFFICE	OE: CRB	OE:CRB	OE: CRB/BC	OGC/NLO	OE: D
NAME	IGifford	CThompson	DSolorio	SKirkwood	Gwilson
DATE	10/ /2020	10/ /2020	10/ /2020	10/ /2020	10/ /2020

OFFICIAL RECORD COPY