

From: Thompson, Catherine
Sent: Tuesday, September 29, 2020 8:19 AM
To: Solorio, Dave
Cc: Gifford, Ian
Subject: RE: Can you please update R2 with our next steps on TVA case

Dave – I will be working most of today to work on the draft order. I did invite Mark and Scott to the panel next Monday, and I provided the update in the scheduler when I changed the date.

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From: Solorio, Dave <Dave.Solorio@nrc.gov>
Sent: Tuesday, September 29, 2020 7:53 AM
To: Thompson, Catherine <Catherine.Thompson@nrc.gov>
Cc: Gifford, Ian <Ian.Gifford@nrc.gov>; Kowal, Mark <Mark.Kowal@nrc.gov>; Sparks, Scott <Scott.Sparks@nrc.gov>
Subject: Can you please update R2 with our next steps on TVA case

Kitty

I can't find Ian's last update email in response to Scott's questions on TVA next steps, or would have replied all to that. Based on our conversation with George yesterday afternoon please provide a short update to our R2 brethren.

I just remembered Kitty is off today, so in short George wanted to issue the order imposing the CP much sooner than guidance in EM suggests we might have (pasted below what Kitty found guys). So she scheduled a meeting Monday @ 1030am (assume you were invited, but when I look at a Teams appt I cannot tell who was invited so if she didn't she will get you added tomorrow when she is back on clock. I know she always adds Mark Miller to case meetings at least) to discuss next steps.

Thanks
Dave

Reference:

2.6.4 Licensee Response to NOV/CPs

If the licensee denies the violation, contests the staff's facts or conclusions, or requests mitigation of the civil penalty (in whole or in part), and does not pay the civil penalty, the regional office should:

1. Review the licensee's response;
2. Decide whether the civil penalty should be imposed, partially mitigated, or withdrawn; and
3. Prepare a written evaluation of the licensee's response.

a. The evaluation should:

- Be submitted to OE within 45 days;
- Address the licensee's points of contention; and

b. The evaluation should include:

- A restatement of each disputed violation;
- A summary of the licensee's position concerning each disputed violation;
- The NRC's evaluation of the licensee's position; and
- The NRC's conclusion.

4. If the region recommends that the civil penalty should be imposed, an Order Imposing Civil Monetary Penalty should be prepared with the staff's evaluation included as an appendix to the order.

5. If the region recommends that the civil penalty should be partially mitigated, an Order Imposing Civil Monetary Penalty should be prepared to reflect partial mitigation with the staff's evaluation included as an appendix to the order.

6. If the region recommends that the civil penalty should be withdrawn, the region should prepare a cover letter, for OE issuance, to the licensee with the staff's evaluation as an appendix to the letter.

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From: Thompson, Catherine

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Recipients:
"Gifford, Ian" <Ian.Gifford@nrc.gov>
Tracking Status: None
"Solorio, Dave" <Dave.Solorio@nrc.gov>
Tracking Status: None

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