

From: Gifford, Ian
Sent: Monday, October 5, 2020 7:09 AM
To: Thompson, Catherine
Cc: Solorio, Dave
Subject: RE: For review: draft slides for Monday's Enforcement Panel
Attachments: NRC Enforcement Panel 10.5.20.pptx

Good morning Kitty,

Could you please attached these slides to the meeting invite for today? The incorporate Dave's feedback.

Thanks,
Ian

From: Wilson, George <George.Wilson@nrc.gov>
Sent: Sunday, October 04, 2020 9:55 AM
To: Solorio, Dave <Dave.Solorio@nrc.gov>
Cc: Gifford, Ian <Ian.Gifford@nrc.gov>; Thompson, Catherine <Catherine.Thompson@nrc.gov>; Hilton, Nick <Nick.Hilton@nrc.gov>; Peduzzi, Francis <Francis.Peduzzi@nrc.gov>
Subject: RE: For review: draft slides for Monday's Enforcement Panel

Sounds good

From: Solorio, Dave <Dave.Solorio@nrc.gov>
Sent: Friday, October 2, 2020 4:09 PM
To: Wilson, George <George.Wilson@nrc.gov>
Cc: Gifford, Ian <Ian.Gifford@nrc.gov>; Thompson, Catherine <Catherine.Thompson@nrc.gov>; Hilton, Nick <Nick.Hilton@nrc.gov>; Peduzzi, Francis <Francis.Peduzzi@nrc.gov>
Subject: RE: For review: draft slides for Monday's Enforcement Panel

George – I recommend we use the slides Ian prepared. Ian reminded me we used slides at the joint panel for these cases. Kitty already prepared rough drafts of the documents mentioned on slide 9 cause you asked this be rushed.

Ian - real nice work, thank you. And thank you for taking a call after you went off the clock (cause I didn't catch your end of day email yet). You mentioned certain or all filings didn't have new information, so that's only reason I made the suggestion to add as a bullet. Adjudicate as you need to.

Dave

From: Gifford, Ian <Ian.Gifford@nrc.gov>
Sent: Friday, October 02, 2020 3:27 PM
To: Wilson, George <George.Wilson@nrc.gov>; Thompson, Catherine <Catherine.Thompson@nrc.gov>;

Solorio, Dave <Dave.Solorio@nrc.gov>; Hilton, Nick <Nick.Hilton@nrc.gov>

Subject: For review: draft slides for Monday's Enforcement Panel

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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NEW [Differing Views Best Practices Guide!](#)

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Created By: Ian.Gifford@nrc.gov

Recipients:

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

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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

- No new information provided
- Complaint was filed for non-prohibited reasons.
- Manager filing formal complaint 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

- No new information provided
- 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

- No new information provided
- Complaint was filed for non-prohibited reasons.
- Manager filing formal complaint 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

- No new information provided
- 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.
 - Target issue date _____
- EN to accompany Order.
 - Target issue date _____
- No specific guidance for timeliness in Enforcement Manual beyond deciding on path forward within 45 days of TVA response (Section 2.6.4.G)