

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
E. Roy Hawkens
Dr. Sue H. Abreu

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Enforcement Action)

Docket Nos. EA-20-006 and EA-20-007

ASLBP No. 21-969-01-EA-BD01

March 17, 2021

ORDER
(Request for Clarification)

Before the Board is a motion by the Tennessee Valley Authority (TVA) requesting the return of three documents contained in the NRC Staff's initial disclosure.¹ The NRC Staff opposes the motion.²

On or before Wednesday, March 24, 2021, the parties shall submit memoranda expressing their positions on the significance, if any, of the memoranda of understanding between the Nuclear Regulatory Commission and Department of Labor to the status of the settlement agreement attached as Exhibit D to TVA's Motion. Among other things, to qualify as "information identified as sensitive that has been supplied to it by the other agency,"³ must the

¹ [TVA] Motion for Return and Protection of Privileged and Confidential Documents (Mar 1, 2021) [hereinafter TVA Motion].

² NRC Staff Answer to the Tennessee Valley Authority's Motion Regarding Disclosures (Mar. 11, 2021).

³ Notice of Signing of a Revised Memorandum of Understanding Between the NRC and the Department of Labor (DOL), 63 Fed. Reg. 57,324, 57,325 (Oct. 27, 1998); see Memorandum of Understanding Between NRC and Department of Labor, Employee Protection, 47 Fed. Reg. 54,585 (Dec. 3, 1982); see Nuclear Regulatory Commission Enforcement Manual, Rev. 7, Change 7 § 1.3.14 (Dec. 1, 2020) (ADAMS Accession No. ML20329A339) ("The [Memorandum

other agency identify information as sensitive? Or is it sufficient that the information identifies itself as sensitive?

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 17, 2021

of Understanding] (published in the Federal Register on December 3, 1982, revised on September 9, 1998) describes the responsibilities of the NRC and DOL in protecting the rights of employees as specified in Section 211 of the [Energy Reorganization Act].”).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Request for Clarification)** have been served upon the following persons by Electronic Information Exchange.

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TENNESSEE VALLEY AUTHORITY
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On behalf of Erin Henderson and
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this day 17th of March 2021.