



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs, Region II  
61 Forsyth Street SW, Atlanta GA 30303  
Web Site: [www.nrc.gov](http://www.nrc.gov)

---

No. II-09-070

CONTACT: Roger Hannah (404) 562-4417  
Joey Ledford (404) 562-4416

December 23, 2009

E-mail: [OPA2@nrc.gov](mailto:OPA2@nrc.gov)

## **NRC REACHES SETTLEMENT WITH TENNESSEE VALLEY AUTHORITY FOLLOWING MEDIATION SESSION**

The Nuclear Regulatory Commission has reached a settlement with the Tennessee Valley Authority in two cases involving apparent violations of the NRC's employee protection rule at the utility's Browns Ferry Nuclear Plant, located about 10 miles southwest of Athens, Ala.

In the first case, a former contractor hired to work in Browns Ferry's Nuclear Assurance organization was apparently terminated in June 2005, at least in part because he raised a safety concern to management. He had accused his manager of being "too close to the line organization" to effectively and independently perform his duties.

In the second case, a TVA foreman was demoted to maintenance mechanic in 2008, apparently for raising a safety concern regarding the utility's compliance with its Fitness for Duty program. The employee had questioned TVA management regarding their failure to perform for-cause testing of two individuals who had been involved in an altercation in November 2007. As a result, the worker was required to complete a developmental training program and was subsequently prevented from serving as a foreman.

A Confirmatory Order, issued Tuesday, outlines the settlement agreement, which was reached through the NRC's alternative dispute resolution process. TVA agreed to a number of actions at the facility, including the implementation of a process to review proposed adverse employment actions before they are taken to ensure compliance with the employee protection rule. The utility also agreed to issue written communications to all its nuclear plants spelling out employees' rights to raise concerns without fear of retaliation. The NRC acknowledged that TVA had taken numerous actions to address the issues underlying the apparent violations before the settlement agreement was reached.

In recognition of the actions TVA agreed to take, which also includes a requirement to perform two additional independent safety culture surveys before the end of 2013, the NRC agreed to not propose a civil penalty nor issue a Notice of Violation or other enforcement action in either case.

The ADR process uses a neutral mediator with no decision-making authority to assist the NRC and its license holders in resolving differences regarding enforcement actions. Often, the ADR process is more effective than traditional enforcement in developing broad, long-term corrective actions, thus producing a greater benefit for employee and public safety than a one-time fine or other enforcement action.

A copy of the Confirmation Order will be available on the NRC Web site at:  
<http://www.nrc.gov/reading-rm/adams.html>.

###

News releases are available through a free *listserv* subscription at the following Web address:  
<http://www.nrc.gov/public-involve/listserver.html>. The NRC homepage at [www.nrc.gov](http://www.nrc.gov) also offers a SUBSCRIBE link. E-mail notifications are sent to subscribers when news releases are posted to NRC's Web site.