

**From:** Dolley, Steven  
**Sent:** 20 Dec 2017 20:04:53 +0000  
**To:** McIntyre, David; Castelveter, David  
**Subject:** [External\_Sender] RE: RE: RE: AP-BGA story on NRC

Thanks for the elaboration Dave.

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
steven.dolley@spglobal.com  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** McIntyre, David [mailto:David.McIntyre@nrc.gov]  
**Sent:** Wednesday, December 20, 2017 3:04 PM  
**To:** Castelveter, David; Dolley, Steven  
**Subject:** RE: RE: RE: AP-BGA story on NRC

Steve – David asked me to break down the numbers for you.

Per the Office of Enforcement, of the 686 allegations of discrimination received in that time period, 368 met the initial prima facie screening criteria. Of those, 101 were resolved through Alternative Dispute Resolution and removed from the system. Of the rest, the Office of Investigations opened case files on 235, and found substantiation of discrimination in 1 case. This finding was overruled by the Office of General Counsel. So the final answer is ZERO.

Dave

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 1:56 PM  
**To:** McIntyre, David <David.McIntyre@nrc.gov>  
**Subject:** FW: RE: RE: AP-BGA story on NRC

Dave, I have a 2 p.m. and then the 3 p.m. AMM. Are you able to respond to Steve?

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission

Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

(C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]

**Sent:** Wednesday, December 20, 2017 1:46 PM

**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>

**Subject:** [External\_Sender] RE: RE: AP-BGA story on NRC

OK, thanks David. But is the story correct that \*none\* of nearly 700 allegations of retaliation filed since 2010 have been substantiated? (I did read the explanation of 'substantiated' below).

If that's correct, it's not a "relatively low number of discrimination allegations ultimately substantiated by the NRC," it's zero. Although I guess technically speaking, "zero" is "a relatively low number."

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005

T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)

[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]

**Sent:** Wednesday, December 20, 2017 1:33 PM

**To:** Dolley, Steven

**Subject:** RE: RE: AP-BGA story on NRC

Steve, I know this is a lot, but it might be helpful for you to read this from top to bottom. Also, I believe NEI might have a statement, Might want to check with them.

The NRC Position on Discrimination Allegations [see below] addresses the question about the number of discrimination allegation cases that are ultimately substantiated. With respect to the specific case in Illinois, subsequent to the NRC's initial prima facie finding, the agency review of Allegation No: RIII-2010-A-0081 – including the investigation report and the subsequent review by the agency's legal, enforcement and technical staff – led to the NRC staff's ultimate

conclusion that the individual did not engage in activity protected by Section 211 of the Energy Reorganization Act of 1974. Specifically, the NRC staff determined that the concerns raised by the individual in this case were not related to a nuclear safety issue.

NRC regulations prohibit discriminating against an employee for raising safety concerns. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Retaliation by employers against workers who report safety concerns can also create a "chilling effect" that discourages workers from raising other safety issues. If this happens, a valuable source of information for improving safety is potentially diminished or lost.

The primary reason for the relatively low number of discrimination allegations ultimately substantiated by the NRC is that the threshold for taking in discrimination allegations for more detailed evaluation is very low, while the bar for the burden of proof to conclude that a licensee violated federal requirements for whistleblowing is significantly higher. It is also important to note that a significant number of discrimination cases get resolved through the NRC's Alternative Dispute Resolution (ADR) Program, which does not require proof that discrimination occurred. In fact, of the allegations of discrimination received from 2010 – 2016 from sources external to the NRC at operating and non-operating nuclear power plants, more than 25 percent were resolved via the Alternative Dispute Resolution Process. Because these cases were settled, there was no need for the Office of Investigations to determine if the allegations were substantiated.

Note to Requester:  
Hyperlink at the end  
of the sentence  
goes to  
[https://www.nrc.gov/  
about-  
nrc/regulatory/enfor-  
cement/adr/trending-  
data.html](https://www.nrc.gov/about-nrc/regulatory/enforcement/adr/trending-data.html)

Additional information regarding ADR cases and their success are located on our website [here](#).

When an individual comes to the NRC and claims to have been subject to an adverse action from an NRC licensee because they were involved in a protected activity (*i.e.*, raising a concern related to plant safety or security), the NRC will enter a discrimination allegation into its review process.

For the case to meet the "prima facie" determination, further agency review of the allegation must conclude, among other things, that there is a likelihood of a causal tie between the protected activity and the adverse action. Again, the threshold to make the initial determination that such a tie is possible is rather low.

When a "prima facie" determination is met, the allegor and the licensee are offered an opportunity to engage in an Alternative Dispute Resolution (ADR) process. If ADR is successful, the complaint is considered resolved, and there is no requirement to investigate or substantiate the allegation further.

The NRC's Office of Investigations will proceed with a formal investigation in two instances: If the allegor declines ADR and requests an investigation, or if ADR fails to result in a settlement. At this point, the NRC begins the rigorous process of investigating the allegation and identifying the facts of the case. OI pursues its investigation through interviews recorded under oath, reviews of records and other actions, always looking for evidence for each "prima facie" finding. When the investigation concludes, OI issues an investigation report that identifies the facts substantiated during the investigation. If OI believes that a violation of NRC's employee protection regulations may have occurred, OI works with NRC's legal, enforcement and technical

staff to evaluate the sufficiency of the evidence to support a potential NRC enforcement action (see NRC Enforcement Manual, Part II, 1.3.4). Sometimes, if the evidence does not sufficiently establish that a violation more likely than not occurred, the agency's final conclusion will be to decline any enforcement action.

Note to Requester: Hyperlink to "NRC Enforcement Manual" goes to <https://www.nrc.gov/docs/ML1026/ML102630150.pdf>

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

(C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]

**Sent:** Wednesday, December 20, 2017 1:18 PM

**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>

**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>

**Subject:** [External\_Sender] RE: AP-BGA story on NRC

Since 2010

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005

T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)

[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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**S&P Global**

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**From:** Dolley, Steven

**Sent:** Wednesday, December 20, 2017 1:17 PM

**To:** 'Castelveter, David'

**Cc:** McIntyre, David; OPA Resource

**Subject:** RE: AP-BGA story on NRC

Thanks David. Yes, it's a real grab bag of years and years of wideranging allegations. I'm not sure where the group is coming from or why they decided to lump them all together as a broadside.

In the short term, I'm most interested in NRC's response to the claim that it upheld zero out of almost 700 whistleblower allegations of retaliation (over what time period? Not clear from the story).

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:15 PM  
**To:** Dolley, Steven  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Steve, there is so much in here, I would not know where to begin. I will send something, however.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)  
 (C)  
[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

(b)(6)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:03 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] AP-BGA story on NRC

Hi David,

Will the agency be issuing a response to this story? Looks like a whole lot of widely varying allegations lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

At this point I don't plan to write on this for INRC tomorrow, but will be looking into it and getting back to you all.

I would like to get NRC's response to this specific allegation, however.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing. ...

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

Thanks,  
Steve

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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**From:** Castelveter, David  
**Sent:** 20 Dec 2017 13:50:19 +0000  
**To:** Castelveter, David  
**Subject:** Nuclear Regulator Downplays Safety Warnings

Associated Press piece on BGA story  
U.S.

Nuclear Regulator Downplays Safety Warnings  
By THE ASSOCIATED PRESSDEC. 20, 2017, 8:06 A.M. E.S.T.

The federal agency responsible for safety at the nation's 61 nuclear power plants routinely downplays warnings from plant workers and its own experts about problems, including some with potential for disaster, a Better Government Association investigation found.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing.

NRC officials also overruled recommendations from their own technical experts on how to protect plants from potential catastrophe spurred by floods, equipment failures, power outages and other problems.

This article was provided to The Associated Press by the nonprofit news outlet Better Government Association.

Interviews with more than 20 current and former NRC and nuclear plant employees reveal a pattern of top officials dismissing safety warnings rather than impose costly fixes on plant operators. Some said careers suffered as potential threats were never fully addressed.

Continue reading the main story

"It's the NRC's longstanding practice to consistently declare the plants are safe and to avoid directly answering any questions that might suggest otherwise," said Lawrence Criscione, an NRC risk analyst.

NRC officials would not consent to an interview. But NRC spokeswoman Viktoria Mitlyng responded in writing to BGA questions.

"All U.S. nuclear power plants have multiple appropriate procedures and resources in place to maintain key safety functions if severe events" occur, Mitlyng said. "These conclusions are based on extensive agency reviews and inspections."

In 2012, Criscione shared with Congress a letter raising doubts over adequacy of flood protections at Duke Energy's Oconee Nuclear Station in South Carolina and other plants built decades ago near dams.

Soon after, Criscione said, he was accused by the NRC inspector general of compromising confidential information, interrogated by armed agents and saw his case referred to federal prosecutors. They opted not to act, and he remains on the job.

Internal NRC surveys underscore a climate of fear among employees. A report on a 2015 questionnaire of NRC employees stated most felt "if you disagree with your manager it can, and most likely will, affect your career path and advancement."

Records and interviews also show that:

— In 2016, NRC brass overturned a proposed safety analysis for the Byron and Braidwood nuclear plants in Illinois after multiple appeals by Exelon, the Chicago-based owner of the facilities and the nation's largest nuclear operator.

The action undid an order issued after agency technical staff concluded Exelon did not prove critical pressure-relieving valve systems were safe to use in an emergency. The same problem may exist at other nuclear plants; said one of the NRC engineers who ordered the safety testing.

— Also in 2016, seven NRC electrical engineers publicly urged the agency to order an immediate fix or a complete shutdown of most U.S. nuclear plants after discovering a problem with an emergency power system at the Byron plant that was common to other nuclear facilities as well.

Exelon quickly addressed the problem at its plants, but the NRC acceded to a request from other U.S. operators to give them an additional two years to devise a fix.

The news and stories that matter to Californians (and anyone else interested in the state), delivered weekday mornings.

— Separately, the NRC took only two months to reject a staff petition in March 2017 urging the agency to reverse a decision allowing Arizona Public Service Co.'s Palo Verde nuclear plant near Phoenix to operate even though an agency expert said it lacked sufficient emergency backup power to run safely.

Complaints from plant whistleblowers raised issues ranging from security problems to inadequate radiation monitoring.

— The U.S. Department of Labor ordered the Palisades nuclear plant near South Haven, Michigan, to rehire veteran security guard Chris Mikusko who claimed he was laid off in retaliation for pointing out security problems. Mikusko filed a similar whistleblower complaint with the NRC, which rejected his allegations as unsubstantiated.

— NRC investigators concluded supervisors at Exelon's shuttered Zion plant in Illinois had "greatly exaggerated" claims of disruptive behavior they had used to discipline Marilyn Lingle, hired to help dismantle the facility. Yet the agency rejected these findings and declined to discipline Lingle's managers.

The nuclear industry, through its trade group and individual companies, often downplays the seriousness of problems highlighted by NRC experts. Exelon and others in the industry bat down potential rules and regulations by pleading to NRC's top managers.

"Safety is the highest priority for both Exelon Generation and the NRC," spokesman David Tillman said in a statement. "We are equally committed to protecting our people and our

communities and to suggest otherwise is a disservice to the authority of the NRC and our shared commitment to public health and safety."

The problem, say people who conduct government reviews, is that the NRC's final rulings often don't reflect warnings from its experts.

"Management tells you where they want the answer to go. If you push, you're not going to get promoted again — there are other people who are willing to say it's not a serious issue," said Richard Perkins, one of Criscione's NRC colleagues involved in exposing flooding concerns.

One case in point is the emergency safety valve issue at Exelon's Byron and Braidwood plants.

After Exelon moved in 2013 to increase power, NRC experts concluded the plants' pressure valves to relieve water in an emergency would stick open and allow cooling water to escape and not do its function to cool the reactor. They ordered Exelon to prove the valves would work, but the company blocked that with a successful appeal to the NRC's executive director.

Exelon says the valves work fine. But Samuel Miranda, an NRC expert who disagreed, said the company and NRC were rolling the dice on valves because it risks melting the reactor.

He said dozens of other U.S. nuclear plants are equipped with similarly problematic equipment.

"They either won't close or they will leak," Miranda said. "That will relieve about a million pounds per hour. It's a hole in the system. Now you're losing water that you need to cool the core."

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

The largest number of complaints, 84, were filed by employees at the two nuclear plants operated in Georgia by Southern Nuclear, records show. Next were the 70 complaints lodged by nuclear workers in South Carolina, 58 by workers in Tennessee and 50 in California. Illinois ranked 12th, with 21 whistleblower cases filed.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6) [redacted] (C)

david.castelveter@nrc.gov

[www.nrc.gov](http://www.nrc.gov)

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 8:05 AM  
**To:** Castelveter, David <David.Castelveter@nrc.gov>  
**Subject:** Nuclear Regulator Downplays Safety Warnings

## 'Nobody Really Cares'

Employees at the nation's nuclear power plants filed nearly 700 whistleblower complaints with the Nuclear Regulatory Commission in recent years. It upheld zero.

By Madison Hopkins and Brett Chase, Better Government Association |Dec. 20, 2017  
A version of this story is distributed with The Associated Press.

Marilyn Lingle, a nearly 30-year veteran of the nuclear generating industry, began a new job in 2010 helping dismantle Exelon's long-shuttered Zion nuclear power plant. One of her assignments was to measure radiation on scrap metal before it was landfilled or recycled. Records show she did her work by-the-book, scouring each piece to ensure it wasn't a public danger.

Reporters Brett Chase and Madison Hopkins break down "Power Struggle." Shot by Alex Garcia. Produced by Mia Sato/BGA.

Yet Lingle's methodical pace frustrated employees at ZionSolutions, a contractor hired by Exelon to decommission the plant site near the Wisconsin border, according to reports with the U.S. Nuclear Regulatory Commission. During the next few months she continued to have run-ins at the plant, and managers started to view her as "an annoyance and nuisance," the records show.

Lingle's bosses began faulting her job performance, accused her of disruptive behavior and issued reprimands. She was placed on suspension and sent to a counselor who found Lingle was suffering from stress brought on by "perceived threats, accusations and intimidation by management."

Lingle filed a whistleblower complaint with the NRC that accused ZionSolutions of retaliation for airing safety concerns—one of hundreds of similar cases received by the agency in recent years that all ended the same, a Better Government Association analysis found.

Employees at the nation's nuclear power plants filed 687 whistleblower complaints from 2010 to 2016, claiming retaliation for raising safety concerns, records show. The NRC only investigated about one-third of these allegations. It upheld zero.

The results underscore an entrenched pattern at the agency. The NRC encourages nuclear plant workers to speak out and says it relies on them to be its eyes and ears in the quest for safety in a nuclear generating industry that has little margin for error. But the agency's record does little to support those claims.

Lingle never lived to see her complaint rejected. Two months after the NRC opened an investigation, she was found dead in her truck in her garage. The Lake County coroner's office ruled that her death by carbon monoxide asphyxiation was an accident.

A year later, NRC investigators concluded that ZionSolutions managers had "greatly exaggerated" accusations against Lingle and her complaints of retaliation were valid. But the posthumous victory didn't stick. After a final review with agency lawyers, the NRC rejected the findings and declined to act against ZionSolutions. Officials from ZionSolutions did not return repeated calls for comment.

Paul Blanch, himself a one-time plant whistleblower, nuclear engineer, and safety consultant for the nuclear industry, says such outcomes send a clear message summed up in gallows humor common among nuclear industry workers: NRC, they say, stands for "Nobody Really Cares."

NRC spokeswoman Prema Chandrathil said the numbers don't tell the whole story. The main reason no recent cases have concluded in a whistleblower's favor, she said, is the threshold for accepting allegations is "very low" but the burden of proof needed to find wrongdoing by a nuclear operator is far higher.

"The NRC is focused on nuclear safety and enforcing its regulations, which prohibit discrimination against nuclear workers who raise nuclear safety concerns," Chandrathil said in a written statement to the BGA.

Chandrathil added that more than a quarter of the discrimination cases received over the six-year period were never investigated because employees and companies reached private settlements before it got to that stage.

The NRC says the settlement process is beneficial to both sides but critics argue it is an easy way to silence whistleblowers and keep problems under wraps.

The BGA interviewed a dozen current and former nuclear plant workers across the country about their workplace cultures. Most described climates that emphasized silence over safety and said raising concerns that might lead to expensive repairs was considered a career killer.

Some employees still on the job declined to speak on the record, saying they feared repercussions and worried going to the NRC would accomplish nothing.

One longtime employee who did speak openly said employees have little faith the agency will thoroughly investigate concerns.

"They don't find anything," said Barry Quigley, a senior design engineering analyst who has worked at the Byron plant for 31 years. "It's just not effective."

Barry Quigley has worked at the Byron nuclear power plant for more than three decades.  
Madison Hopkins/BGA

Whistleblower cases are notoriously difficult to prove, regardless of the industry. The U.S. Department of Labor fielded more than 20,000 workplace complaints from whistleblowers over roughly the same six-year period and determined just 388, about 2 percent, had merit—a tiny fraction but still higher than results at the NRC.

In theory, nuclear power plant employees can file retaliation complaints with both the Labor Department and the NRC, but investigations at each agency are designed to serve different purposes.

The Labor Department has the authority to order employers to pay whistleblowers back pay or restore their jobs. The NRC lacks any such power to help workers personally and can only act to fix safety problems.

So a whistleblower complaint to the NRC is usually more selfless in intent, argued Billie Garde, a Washington, D.C., lawyer who has represented nuclear plant whistleblowers for more than three decades.

Among Garde's clients is Chris Mikusko, who worked security at the Palisades nuclear plant near South Haven, Michigan, operated by Entergy Corporation. After 28 years at Palisades, he was laid off in 2013 for what plant managers termed a "restructuring," but Mikusko claimed was in retaliation for reporting security-related problems, records show. One instance cited in Department of Labor reports show he complained that a supervisor asked another employee to fill in for an armed security guard position—a job the employee was not authorized to do—causing a security risk at the plant.

Mikusko filed whistleblower complaints with both the NRC and the labor department, and labor took his side. It ordered Entergy to restore his job, though Mikusko did not return after reaching a settlement with the company.

The NRC reached the opposite conclusion, deeming Mikusko's retaliation claims unsubstantiated. Mikusko said he was shocked.

"I thought this is the kind of case that the NRC should be hanging their badges on," Mikusko said. "We brought up concerns. We're supposed to be protected."

Chandrathil declined to comment on specifics of Mikusko's case, but said the NRC is always rigorous in investigating retaliation claims.

The NRC, meanwhile, acknowledged a poor safety culture existed in the Palisades security department after Mikusko left. The agency surveyed plant employees and everyone from the security department who responded said they were not comfortable raising issues without fear of retaliation.

"After what happened to us, people were completely and genuinely afraid," Mikusko said of his former co-workers. "After going through what we went through, I lost complete and utter faith in the NRC."

In a prepared statement, Entergy spokeswoman Val Gent said Palisades plant management was proactive in responding to the NRC findings and had worked to establish "an unrelenting focus on safety."

A perception that the NRC is indifferent to whistleblower allegations has long dogged the agency. In 1993, the NRC's Office of the Inspector General conducted a study that found scant action taken when plant workers raise an alarm.

The study said the NRC had investigated just 44 of 609 retaliation complaints it received over a roughly five-year period. Only seven resulted in enforcement actions.

Whistleblowers, whose identities were withheld from the report, told the inspector general investigators they felt abandoned by the NRC and feared cooperating with the agency, or filing complaints with the labor department, would only lead to financial hardship and emotional pain, the report said.

The inspector general report outlined examples of intimidation that plant workers said they were forced to endure for speaking out. One said he was moved to a position with a higher level of radiation exposure after reporting problems.

Another recalled an incident when a co-worker pointed to a charred mannequin used in a firefighting exercise and said the whistleblower risked a similar fate if his behavior did not change. This whistleblower was later diagnosed with Post-Traumatic Stress Disorder attributed to workplace trauma, according to the report.

The U.S. Senate Committee on Environment and Public Works later held hearings on whistleblower treatment at the NRC. Then-Sen. Joseph Lieberman, a Connecticut Democrat, presided over the session and said he found the report disturbing.

"Serious problems of safety may exist today that we will not be warned about because workers may feel unprotected if they blow the whistle," Lieberman warned at the time. "The law is not working if people cannot speak out when they see situations that they fear are dangerous because of greater fears of the legal, economic, or bureaucratic consequences."

The inspector general at the time made several recommendations to improve the NRC's handling of whistleblower complaints, though the agency did not formally adopt any of them.

Chandratil, the NRC spokeswoman, said the agency embraced other changes, including in 2004 when it began offering whistleblowers the opportunity to privately mediate complaints with plant operators—a process the NRC billed as a path to speedy resolutions and enhanced plant safety.

As part of those confidential deals, employees often accept back pay if they had been suspended or fired but agree to quit or stop speaking about the safety concerns they had raised, according to Garde, the whistleblower attorney. While the NRC is still required to look into the underlying safety problems, those often aren't taken as seriously without the whistleblowers pushing for change, she said.

"The NRC isn't picking up the gauntlet of being an advocate for those issues," Garde said. "What you've got is a system set up to basically pay them off, keep them quiet, settle the problem so it isn't all over the newspaper or the TV."

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

 (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Castelveter, David

**Sent:** Wednesday, December 20, 2017 7:58 AM

**To:** Castelveter, David <David.Castelveter@nrc.gov>  
**Subject:** Nuclear Regulator Downplays Safety Warnings

### Nuclear Regulator Downplays Safety Warnings

A government body's own staff is silenced in favor of arguments made by the power plant owners it oversees.

By Brett Chase and Madison Hopkins, Better Government Association |Dec. 20, 2017

A version of this story is distributed with The Associated Press.

The federal agency responsible for safety at the nation's 61 nuclear plants turns a deaf ear to warnings from its own experts about flooding, mechanical problems, power outages and other potential accidents that can lead to disaster, a Better Government Association investigation shows.

A review of thousands of pages of records and dozens of interviews during a months-long probe found:

- One-third of U.S. nuclear plants — including Chicago-based Exelon Corp.'s Dresden and Quad Cities sites in Illinois — have been deemed by agency experts to be vulnerable to big floods. Despite years of internal warnings and analysis, top brass at the United States Nuclear Regulatory Commission have downplayed the threat and given nuclear operators leeway to take precautions its own experts say are inadequate.

- Potentially dozens of nuclear plants across the country, including Exelon's Braidwood and Byron sites in Illinois, are at risk of serious problems because of faulty internal valve systems needed to relieve water pressure in an accident, said Samuel Miranda, a retired NRC engineer who spent four decades in the nuclear industry, the last 14 years at the NRC.

A team of NRC experts ordered Exelon to prove its valve systems worked, but the company convinced the agency's executive director to block the order in 2016.

- Many U.S. nuclear plants have unreliable backup power systems, which could pose a danger of reactor core meltdowns, according to a team of NRC electrical engineers. They concluded the flaw was so serious that plants should be required to immediately fix it or shut down. The dire warning came in 2016, but the NRC agreed to requests from most operators to give them another two years to devise a fix.

Reporters Brett Chase and Madison Hopkins break down "Power Struggle." Shot by Alex Garcia. Produced by Mia Sato/BGA.

In each example, technical experts say they were stifled by NRC higher ups when raising concerns about plant safeguards. In the high-stakes cases, NRC officials overruled staff recommendations and sided with nuclear operators in addressing the potential for plant catastrophes and potential harm to the public.

Officially, the agency encourages employees to speak up. But even internal NRC surveys point to a climate of fear and reticence among workers.

A report on a 2015 questionnaire of NRC employees stated most felt "if you disagree with your manager it can, and most likely will, affect your career path and advancement." Nearly half surveyed concurred with the statement that "we too often sacrifice the quality of our work in order to: Satisfy a personal or political need."

"It's the NRC's longstanding practice to consistently declare the plants are safe and to avoid directly answering any questions that might suggest otherwise," said Lawrence Criscione, an NRC risk analyst from Springfield, Illinois, who sounded alarms about flooding risks at nuclear sites built long ago on flood plains.

Among such facilities are two in Illinois — Dresden near the confluence of the Kankakee and Des Plaines Rivers in Grundy County and the Quad Cities plant near the Mississippi River in Cordova.

Many of the plants now in operation were built in the 1960s and 1970s at a time when experts did not fully understand the potential for extreme floods and other natural disasters, Criscione said. More than half of U.S. nuclear power plants have reactors that are at or near their originally projected 40-year lifespans and almost all reactors in the U.S. have been granted extensions by the NRC to operate 20 years beyond that.

Records and interviews with current and former NRC employees reveal a pattern of top agency managers dismissing safety warnings from their technical experts rather than burden nuclear plant owners with costly fixes. Some of those interviewed said careers suffered even as potential threats to plants and the public were never fully addressed.

Top NRC executives declined interview requests, but the agency did respond in writing to questions from the BGA.

"All U.S. nuclear power plants have multiple appropriate procedures and resources in place to maintain key safety functions if severe events" occur, NRC spokeswoman Viktoria Mitlyng said in that statement. "These conclusions are based on extensive agency reviews and inspections."

The nuclear industry, through its trade group and companies such as Exelon, downplay the seriousness of problems highlighted by NRC experts. Exelon and others in the industry have successfully batted down potential rules and regulations by pleading their cases to NRC's top managers.

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"Safety is the highest priority for both Exelon Generation and the NRC," spokesman David Tillman said in a statement. "We are equally committed to protecting our people and our communities and to suggest otherwise is a disservice to the authority of the NRC and our shared commitment to public health and safety."

The NRC and industry officials defend their safety record, pointing to a scorecard with no major nuclear accident in the U.S. since the 1979 meltdown at the Three Mile Island plant in Pennsylvania.

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The problem, say people who conduct such reviews, is that the agency's final rulings often don't reflect the warnings from technical experts.

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Perkins co-authored a 2011 report warning about nuclear plants at risk from dam failures. He said he sought Criscione's help back then because he felt the NRC was withholding information from the public about the flooding threat.

The flood debate at the NRC has grown in intensity since 2011 when a tsunami triggered by a powerful earthquake flooded the oceanside Fukushima Daiichi nuclear plant in Japan, leading to a meltdown of three reactor cores that spread contamination for miles around and forced the evacuation of tens of thousands of people.

The Fukushima accident, among the worst in the history of nuclear power, prompted Congress to order the NRC to review flood safeguards at U.S. plants. An NRC task force then asked plants to submit plans to deal with floods more intense than those envisioned when many of the facilities were built decades ago. The agency, however, did not require operators to prove their plans would work.

One of those facilities was the Duke Energy Oconee Nuclear Station in South Carolina near Clemson University. It sits on a floodplain close to Lake Keowee, a large man-made reservoir and near the Jocassee Dam.

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Criscione, however, points out that current licensing rules for nuclear plants would bar construction in the flood zones where Quad Cities and Dresden now sit.

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That understanding may still be evolving, as underscored by recent flooding in Houston that far exceeded prior worst-case scenarios. Benchmarks for catastrophic 100-year floods have changed as global warming scrambles weather patterns leading to more extreme storms.

The complaint brought by Criscione came to a resolution recently when the U.S. Office of Special Counsel, a government body that probes whistleblower complaints across many federal agencies, urged the NRC to "carefully consider" the expert warnings about flood precautions.

"Utilize their expertise," the special counsel added.

NRC officials choose their words carefully when discussing the tension between keeping plants safe and saving nuclear operators money. But one former top official at the agency acknowledged in an interview that economics factors into its decision-making.

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If primary valves malfunction, separate backup valves are needed to control water flow. Pressure relief valve failure contributed to the partial meltdown at Three Mile Island, Miranda explained.

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Miranda and other NRC technical and legal staff studied the issue for two years and determined Exelon had not conducted required tests to prove the emergency valves would work if needed. Exelon was ordered to undergo the tests, but that was overturned in 2016 after the company appealed directly to Victor McCree, the NRC's Executive Director for Operations.

The action was hailed as "a win for good government," by the Nuclear Energy Institute, an industry trade group.

The price of major safety fixes can run into the tens of millions of dollars if multiple plants are affected, a significant cost even for an industry that claims at least \$40 billion in annual revenue.

In resisting mandatory upgrades, nuclear operators often argue the cost isn't justified when weighed against the low likelihood of an accident.

Economic interdependence between the industry and government dates back to the earliest days of nuclear power in the 1950s.

Federal officials concluded the potential costs of a serious accident could be so crushing that utilities would not take on the risk of building plants. The solution was the Price-Anderson Act, passed by Congress in 1957, a law that partially insulates the nuclear industry from liability in event of a catastrophe.

Mark Cooper, a Vermont-based economist and nuclear power critic, said the industry would be economically unviable without the special protections. "If Price-Anderson were repealed, and utilities faced full liabilities for accidents, the utilities would get out of business as fast as they could," Cooper said.

NRC officials say safety and security of the plants are their top priorities and spokeswoman Mitlyng insists that the agency doesn't side with plant owners to save the industry from costly upgrades to address safety concerns.

The reality is that the companies do influence NRC regulations as they fight back against proposed costly fixes, say current and former agency workers.

"The industry pushes back and says 'listen, we're not going along with this. It's too expensive,'" said George Mulley, a former inspector general investigator at NRC who handled numerous cases involving plant safety over 26 years on the job.

As for the backup valves, Exelon said in a statement to the BGA that its own analysis proves existing equipment works sufficiently. In appealing the staff order for more testing, the company said it was abiding by the rules of the NRC and achieved an outcome that was a "textbook example of multiple nuclear power experts applying their technical knowledge to an issue."

In a statement, the NRC defended the reversal, saying it determined the valve issue was of "minimal safety significance."

By law, members of the public, including special interest groups and even NRC workers, have the right to petition the agency to reconsider policies it has put in place over a wide range of safety concerns, including emergency power systems and mechanical or structural issues. Between 2013 and 2016, there were 38 so-called public petitions filed with the NRC.

A recent internal audit at the NRC found that no safety fixes have been put into place in response to any of those petitions.

Miranda's petition over the safety valve issue was rejected by the agency in June 2017. Also going nowhere were petitions from NRC electrical engineers over the backup power problems and another questioning the sufficiency of emergency backup power and safety at the Palo Verde Nuclear Generating Station operated by the Arizona Public Service Company in that state.

The backup power question was first raised by NRC electrical engineers after a problem was discovered with an emergency power system at Exelon's Byron plant near Rockford. They also determined the problem at Byron was common to many other nuclear plants in the country.

Byron nuclear power plant near Rockford. Madison Hopkins/BGA

Without backup power, plants might be unable to keep reactor cores cool to prevent a meltdown.

In 2016, seven of those engineers issued a public plea to the NRC seeking an immediate order for all plants to either fix the backup power deficiency or shut down.

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The NRC "should not impose any specific design requirements" for the plants, the Nuclear Energy Institute, an industry group, wrote to the agency in 2016. "The NRC should review each licensee's approach for addressing" the issue.

The "voluntary initiative" to resolve the issue was deemed to be appropriate, Mitley told the BGA.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

 (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Pedersen, Renee  
**Sent:** 20 Dec 2017 13:49:58 +0000  
**To:** McIntyre, David; Dapas, Marc; Holahan, Patricia; Holian, Brian; Evans, Michele  
**Cc:** Wertz, Trent; Willis, Dori; Boland, Anne; Figueroa Toledo, Gladys  
**Subject:** RE: Nuclear Regulator Downplays Safety Warnings

Thanks for passing this along.

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 8:28 AM  
**To:** Dapas, Marc <Marc.Dapas@nrc.gov>; Holahan, Patricia <Patricia.Holahan@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>; Evans, Michele <Michele.Evans@nrc.gov>  
**Cc:** Wertz, Trent <Trent.Wertz@nrc.gov>; Willis, Dori <Dori.Willis@nrc.gov>; Pedersen, Renee <Renee.Pedersen@nrc.gov>  
**Subject:** FW: Nuclear Regulator Downplays Safety Warnings

BGA story posted today. Another to come ...

#### Nuclear Regulator Downplays Safety Warnings

A government body's own staff is silenced in favor of arguments made by the power plant owners it oversees.

By Brett Chase and Madison Hopkins, Better Government Association | Dec. 20, 2017

A version of this story is distributed with The Associated Press.

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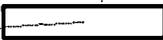
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David A. Castelveter  
Office Director  
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11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

 (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Solorio, Dave  
**Sent:** 20 Dec 2017 15:34:35 +0000  
**To:** McIntyre, David  
**Cc:** Peduzzi, Francis; Boland, Anne  
**Subject:** RE: Response: Nuclear Regulator Downplays Safety Warnings

And Dave... a big piece of why NRC might not take action is because the OI investigation does not find any evidence to substantiate the discrimination claim (its either non-substantiated OI discrimination investigations, or early ADR account for the majority of times where discrimination isn't substantiated). So if OPA didn't have that awareness previously, OI should also be involved with *any* agency response (OI "looks for the facts" and if they can find any to corroborate discrimination they can't substantiate).

Dave

**From:** Peduzzi, Francis  
**Sent:** Wednesday, December 20, 2017 9:47 AM  
**To:** McIntyre, David <David.McIntyre@nrc.gov>; Boland, Anne <Anne.Boland@nrc.gov>; Solorio, Dave <Dave.Solorio@nrc.gov>  
**Subject:** Response: Nuclear Regulator Downplays Safety Warnings

Thanks Dave. Let me know if OPA needs any support from OE related to key messages etc...

Take care,

F. Paul Peduzzi  
U.S. Nuclear Regulatory Commission  
Deputy Director  
Office of Enforcement  
PH: 301-287-9527  
Cell:

(b)(6)

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 8:33 AM  
**To:** Boland, Anne <Anne.Boland@nrc.gov>; Peduzzi, Francis <Francis.Peduzzi@nrc.gov>; Solorio, Dave <Dave.Solorio@nrc.gov>  
**Subject:** FW: Nuclear Regulator Downplays Safety Warnings

BGA on NRC's handling of whistleblower complaints and allegations.  
<https://projects.bettergov.org/power-struggle/whistleblowers.html>

'Nobody Really Cares'

Employees at the nation's nuclear power plants filed nearly 700 whistleblower complaints with the Nuclear Regulatory Commission in recent years. It upheld zero.

By Madison Hopkins and Brett Chase, Better Government Association | Dec. 20, 2017

A version of this story is distributed with The Associated Press.

Marilyn Lingle, a nearly 30-year veteran of the nuclear generating industry, began a new job in 2010 helping dismantle Exelon's long-shuttered Zion nuclear power plant. One of her assignments was to measure radiation on scrap metal before it was landfilled or recycled. Records show she did her work by-the-book, scouring each piece to ensure it wasn't a public danger.

Yet Lingle's methodical pace frustrated employees at ZionSolutions, a contractor hired by Exelon to decommission the plant site near the Wisconsin border, according to reports with the U.S. Nuclear Regulatory Commission. During the next few months she continued to have run-ins at the plant, and managers started to view her as "an annoyance and nuisance," the records show.

Lingle's bosses began faulting her job performance, accused her of disruptive behavior and issued reprimands. She was placed on suspension and sent to a counselor who found Lingle was suffering from stress brought on by "perceived threats, accusations and intimidation by management."

Lingle filed a whistleblower complaint with the NRC that accused ZionSolutions of retaliation for airing safety concerns—one of hundreds of similar cases received by the agency in recent years that all ended the same, a Better Government Association analysis found.

Employees at the nation's nuclear power plants filed 687 whistleblower complaints from 2010 to 2016, claiming retaliation for raising safety concerns, records show. The NRC only investigated about one-third of these allegations. It upheld zero.

The results underscore an entrenched pattern at the agency. The NRC encourages nuclear plant workers to speak out and says it relies on them to be its eyes and ears in the quest for safety in a nuclear generating industry that has little margin for error. But the agency's record does little to support those claims.

Lingle never lived to see her complaint rejected. Two months after the NRC opened an investigation, she was found dead in her truck in her garage. The Lake County coroner's office ruled that her death by carbon monoxide asphyxiation was an accident.

A year later, NRC investigators concluded that ZionSolutions managers had "greatly exaggerated" accusations against Lingle and her complaints of retaliation were valid. But the posthumous victory didn't stick. After a final review with agency lawyers, the NRC rejected the findings and declined to act against ZionSolutions. Officials from ZionSolutions did not return repeated calls for comment.

Paul Blanch, himself a one-time plant whistleblower, nuclear engineer, and safety consultant for the nuclear industry, says such outcomes send a clear message

summed up in gallows humor common among nuclear industry workers: NRC, they say, stands for "Nobody Really Cares."

NRC spokeswoman Prema Chandrathil said the numbers don't tell the whole story. The main reason no recent cases have concluded in a whistleblower's favor, she said, is the threshold for accepting allegations is "very low" but the burden of proof needed to find wrongdoing by a nuclear operator is far higher.

"The NRC is focused on nuclear safety and enforcing its regulations, which prohibit discrimination against nuclear workers who raise nuclear safety concerns," Chandrathil said in a written statement to the BGA.

Chandrathil added that more than a quarter of the discrimination cases received over the six-year period were never investigated because employees and companies reached private settlements before it got to that stage.

The NRC says the settlement process is beneficial to both sides but critics argue it is an easy way to silence whistleblowers and keep problems under wraps.

The BGA interviewed a dozen current and former nuclear plant workers across the country about their workplace cultures. Most described climates that emphasized silence over safety and said raising concerns that might lead to expensive repairs was considered a career killer.

Some employees still on the job declined to speak on the record, saying they feared repercussions and worried going to the NRC would accomplish nothing.

One longtime employee who did speak openly said employees have little faith the agency will thoroughly investigate concerns.

"They don't find anything," said Barry Quigley, a senior design engineering analyst who has worked at the Byron plant for 31 years. "It's just not effective."

Barry Quigley has worked at the Byron nuclear power plant for more than three decades. Madison Hopkins/BGA

Whistleblower cases are notoriously difficult to prove, regardless of the industry. The U.S. Department of Labor fielded more than 20,000 workplace complaints from whistleblowers over roughly the same six-year period and determined just 388, about 2 percent, had merit—a tiny fraction but still higher than results at the NRC.

In theory, nuclear power plant employees can file retaliation complaints with both the Labor Department and the NRC, but investigations at each agency are designed to serve different purposes.

The Labor Department has the authority to order employers to pay whistleblowers back pay or restore their jobs. The NRC lacks any such power to help workers personally and can only act to fix safety problems.

So a whistleblower complaint to the NRC is usually more selfless in intent, argued Billie Garde, a Washington, D.C., lawyer who has represented nuclear plant whistleblowers for more than three decades.

Among Garde's clients is Chris Mikusko, who worked security at the Palisades nuclear plant near South Haven, Michigan, operated by Entergy Corporation. After 28 years at Palisades, he was laid off in 2013 for what plant managers termed a "restructuring," but Mikusko claimed was in retaliation for reporting security-related problems, records show. One instance cited in Department of Labor reports show he complained that a supervisor asked another employee to fill in for an armed security guard position—a job the employee was not authorized to do—causing a security risk at the plant.

Mikusko filed whistleblower complaints with both the NRC and the labor department, and labor took his side. It ordered Entergy to restore his job, though Mikusko did not return after reaching a settlement with the company.

The NRC reached the opposite conclusion, deeming Mikusko's retaliation claims unsubstantiated. Mikusko said he was shocked.

"I thought this is the kind of case that the NRC should be hanging their badges on," Mikusko said. "We brought up concerns. We're supposed to be protected."

Chandrathil declined to comment on specifics of Mikusko's case, but said the NRC is always rigorous in investigating retaliation claims.

The NRC, meanwhile, acknowledged a poor safety culture existed in the Palisades security department after Mikusko left. The agency surveyed plant employees and everyone from the security department who responded said they were not comfortable raising issues without fear of retaliation.

"After what happened to us, people were completely and genuinely afraid," Mikusko said of his former co-workers. "After going through what we went through, I lost complete and utter faith in the NRC."

In a prepared statement, Entergy spokeswoman Val Gent said Palisades plant management was proactive in responding to the NRC findings and had worked to establish "an unrelenting focus on safety."

A perception that the NRC is indifferent to whistleblower allegations has long dogged the agency. In 1993, the NRC's Office of the Inspector General conducted a study that found scant action taken when plant workers raise an alarm.

The study said the NRC had investigated just 44 of 609 retaliation complaints it received over a roughly five-year period. Only seven resulted in enforcement actions.

Whistleblowers, whose identities were withheld from the report, told the inspector general investigators they felt abandoned by the NRC and feared cooperating

with the agency, or filing complaints with the labor department, would only lead to financial hardship and emotional pain, the report said.

The inspector general report outlined examples of intimidation that plant workers said they were forced to endure for speaking out. One said he was moved to a position with a higher level of radiation exposure after reporting problems.

Another recalled an incident when a co-worker pointed to a charred mannequin used in a firefighting exercise and said the whistleblower risked a similar fate if his behavior did not change. This whistleblower was later diagnosed with Post-Traumatic Stress Disorder attributed to workplace trauma, according to the report.

The U.S. Senate Committee on Environment and Public Works later held hearings on whistleblower treatment at the NRC. Then-Sen. Joseph Lieberman, a Connecticut Democrat, presided over the session and said he found the report disturbing.

"Serious problems of safety may exist today that we will not be warned about because workers may feel unprotected if they blow the whistle," Lieberman warned at the time. "The law is not working if people cannot speak out when they see situations that they fear are dangerous because of greater fears of the legal, economic, or bureaucratic consequences."

The inspector general at the time made several recommendations to improve the NRC's handling of whistleblower complaints, though the agency did not formally adopt any of them.

Chandraithil, the NRC spokeswoman, said the agency embraced other changes, including in 2004 when it began offering whistleblowers the opportunity to privately mediate complaints with plant operators—a process the NRC billed as a path to speedy resolutions and enhanced plant safety.

As part of those confidential deals, employees often accept back pay if they had been suspended or fired but agree to quit or stop speaking about the safety concerns they had raised, according to Garde, the whistleblower attorney. While the NRC is still required to look into the underlying safety problems, those often aren't taken as seriously without the whistleblowers pushing for change, she said.

"The NRC isn't picking up the gauntlet of being an advocate for those issues," Garde said. "What you've got is a system set up to basically pay them off, keep them quiet, settle the problem so it isn't all over the newspaper or the TV."

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6) [REDACTED] (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Castelveter, David

**Sent:** Wednesday, December 20, 2017 7:58 AM

**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>

**Subject:** Nuclear Regulator Downplays Safety Warnings

### Nuclear Regulator Downplays Safety Warnings

A government body's own staff is silenced in favor of arguments made by the power plant owners it oversees.

By Brett Chase and Madison Hopkins, Better Government Association | Dec. 20, 2017

A version of this story is distributed with The Associated Press.

The federal agency responsible for safety at the nation's 61 nuclear plants turns a deaf ear to warnings from its own experts about flooding, mechanical problems, power outages and other potential accidents that can lead to disaster, a Better Government Association investigation shows.

A review of thousands of pages of records and dozens of interviews during a months-long probe found:

- One-third of U.S. nuclear plants — including Chicago-based Exelon Corp.'s Dresden and Quad Cities sites in Illinois — have been deemed by agency experts to be vulnerable to big floods. Despite years of internal warnings and analysis, top brass at the United States Nuclear Regulatory Commission have downplayed the threat and given nuclear operators leeway to take precautions its own experts say are inadequate.

- Potentially dozens of nuclear plants across the country, including Exelon's Braidwood and Byron sites in Illinois, are at risk of serious problems because of faulty internal valve systems needed to relieve water pressure in an accident, said Samuel Miranda, a retired NRC engineer who spent four decades in the nuclear industry, the last 14 years at the NRC.

A team of NRC experts ordered Exelon to prove its valve systems worked, but the company convinced the agency's executive director to block the order in 2016.

- Many U.S. nuclear plants have unreliable backup power systems, which could pose a danger of reactor core meltdowns, according to a team of NRC electrical engineers. They concluded the flaw was so serious that plants should be required to immediately fix it or shut down. The dire warning came in 2016, but the NRC agreed to requests from most operators to give them another two years to devise a fix.

Reporters Brett Chase and Madison Hopkins break down "Power Struggle." Shot by Alex Garcia. Produced by Mia Sato/BGA.

In each example, technical experts say they were stifled by NRC higher ups when raising concerns about plant safeguards. In the high-stakes cases, NRC officials overruled staff recommendations and sided with nuclear operators in addressing the potential for plant catastrophes and potential harm to the public.

Officially, the agency encourages employees to speak up. But even internal NRC surveys point to a climate of fear and reticence among workers.

A report on a 2015 questionnaire of NRC employees stated most felt "if you disagree with your manager it can, and most likely will, affect your career path and advancement." Nearly half surveyed concurred with the statement that "we too often sacrifice the quality of our work in order to: Satisfy a personal or political need."

"It's the NRC's longstanding practice to consistently declare the plants are safe and to avoid directly answering any questions that might suggest otherwise," said Lawrence Criscione, an NRC risk analyst from Springfield, Illinois, who sounded alarms about flooding risks at nuclear sites built long ago on flood plains.

Among such facilities are two in Illinois — Dresden near the confluence of the Kankakee and Des Plaines Rivers in Grundy County and the Quad Cities plant near the Mississippi River in Cordova.

Many of the plants now in operation were built in the 1960s and 1970s at a time when experts did not fully understand the potential for extreme floods and other natural disasters, Criscione said. More than half of U.S. nuclear power plants have reactors that are at or near their originally projected 40-year lifespans and almost all reactors in the U.S. have been granted extensions by the NRC to operate 20 years beyond that.

Records and interviews with current and former NRC employees reveal a pattern of top agency managers dismissing safety warnings from their technical experts rather than burden nuclear plant owners with costly fixes. Some of those interviewed said careers suffered even as potential threats to plants and the public were never fully addressed.

Top NRC executives declined interview requests, but the agency did respond in writing to questions from the BGA.

"All U.S. nuclear power plants have multiple appropriate procedures and resources in place to maintain key safety functions if severe events" occur, NRC spokeswoman Viktoria Mitlyng said in that statement. "These conclusions are based on extensive agency reviews and inspections."

The nuclear industry, through its trade group and companies such as Exelon, downplay the seriousness of problems highlighted by NRC experts. Exelon and

others in the industry have successfully batted down potential rules and regulations by pleading their cases to NRC's top managers.

Exelon, the largest U.S. operator with 14 Midwest and East Coast nuclear plants, describes its relationship with the regulator as "unique and collaborative" and said the company simply follows NRC procedures to challenge agency decisions.

"Safety is the highest priority for both Exelon Generation and the NRC," spokesman David Tillman said in a statement. "We are equally committed to protecting our people and our communities and to suggest otherwise is a disservice to the authority of the NRC and our shared commitment to public health and safety."

The NRC and industry officials defend their safety record, pointing to a scorecard with no major nuclear accident in the U.S. since the 1979 meltdown at the Three Mile Island plant in Pennsylvania.

Many current and former technicians at the agency see it differently.

"The NRC is now working for Exelon," charged Miranda.

The BGA identified several major safety concerns considered at the NRC since 2010. In each instance, the agency either blocked or scaled back fixes urged by its staff.

The problem, say people who conduct such reviews, is that the agency's final rulings often don't reflect the warnings from technical experts.

"Management tells you where they want the answer to go. If you push, you're not going to get promoted again — there are other people who are willing to say it's not a serious issue," said Richard Perkins, one of Criscione's NRC colleagues involved in exposing flooding concerns.

Perkins co-authored a 2011 report warning about nuclear plants at risk from dam failures. He said he sought Criscione's help back then because he felt the NRC was withholding information from the public about the flooding threat.

The flood debate at the NRC has grown in intensity since 2011 when a tsunami triggered by a powerful earthquake flooded the oceanside Fukushima Daiichi nuclear plant in Japan, leading to a meltdown of three reactor cores that spread contamination for miles around and forced the evacuation of tens of thousands of people.

The Fukushima accident, among the worst in the history of nuclear power, prompted Congress to order the NRC to review flood safeguards at U.S. plants. An NRC task force then asked plants to submit plans to deal with floods more intense than those envisioned when many of the facilities were built decades ago. The agency, however, did not require operators to prove their plans would work.

One of those facilities was the Duke Energy Oconee Nuclear Station in South Carolina near Clemson University. It sits on a floodplain close to Lake Keowee, a large man-made reservoir and near the Jocassee Dam.

Even before Fukushima, NRC staff recommended that Oconee take precautions able to withstand waters that rose 19 feet above flood stage. But following the Japanese disaster, Duke proposed, and the NRC accepted, a plan sufficient to only protect against a 4.5-foot flood, according to written comments filed by NRC risk analyst Jeffrey Mitman in Criscione's whistleblower case.

Chris Rimel, a spokesman for Duke, said that the NRC signed off on plant construction of a wall that would protect against a smaller flood, though he couldn't be specific about flood height protection. "We mitigate as much as we can to avoid risk," Rimel said.

Incensed by what he felt was bureaucratic indifference, Criscione aired his concerns about Oconee and other plants in a letter to members of Congress sent in 2012. That struck a nerve with his bosses.

Soon after, Criscione said, he was accused by the NRC inspector general of compromising confidential government information, interrogated by armed agents and saw his case referred to federal prosecutors.

They refused to pursue charges against Criscione, but the NRC continued its own investigation for months afterward, he said.

"It certainly was a stressful situation to be told by armed federal law enforcement officers that they were investigating you for a federal felony," recalled Criscione, who said it was even tougher on his wife who was battling cancer at the time.

NRC risk analyst Lawrence Criscione warned of flooding risks at nuclear power plants, including the Dresden site (pictured in back). Michael Weaver

Criscione, who still works for the NRC, filed a federal whistleblower complaint challenging his treatment. He used the complaint to highlight NRC staff concerns that more than 20 plants are unprepared for major flooding from dam failures or rivers. He included Dresden and Quad Cities on that list.

As part of the NRC's post-Fukushima reviews, the plans at Dresden and Quad Cities to handle extreme flooding were questioned by Mitman and other NRC experts. At a 2014 public hearing, they pointed to those facilities to highlight how older nuclear facilities lacked serious flood defense.

Exelon's strategy for Dresden and Quad Cities was to not attempt to block flood waters but rather to allow them to enter the plants. Gas pumps would then be used to funnel in cooling river water to bathe reactors.

"The whole effort from the beginning was biased to not making the licensees make any major changes or improvements," Criscione said in an interview. "The older plants deserved a different level of rigor."

Exelon's Tillman said in his emailed statement that both plants can "withstand the most severe local flood on record with margin to spare" and calls the NRC rare-flood models "an extremely unlikely, apocalyptic scenario."

"Any assertion that Exelon's nuclear facilities have outlived their ability to withstand flooding threats is inaccurate and misleading," he added.

Criscione, however, points out that current licensing rules for nuclear plants would bar construction in the flood zones where Quad Cities and Dresden now sit.

Dresden began operation in 1960 and Quad Cities was licensed in 1972. Criscione said site selection for both facilities took place in an era when "our understanding of rare river floods was not what it is today," Criscione said.

That understanding may still be evolving, as underscored by recent flooding in Houston that far exceeded prior worst-case scenarios. Benchmarks for catastrophic 100-year floods have changed as global warming scrambles weather patterns leading to more extreme storms.

The complaint brought by Criscione came to a resolution recently when the U.S. Office of Special Counsel, a government body that probes whistleblower complaints across many federal agencies, urged the NRC to "carefully consider" the expert warnings about flood precautions.

"Utilize their expertise," the special counsel added.

NRC officials choose their words carefully when discussing the tension between keeping plants safe and saving nuclear operators money. But one former top official at the agency acknowledged in an interview that economics factors into its decision-making.

Jack R. Davis, who oversaw the NRC's post-Fukushima flooding analysis, said it's impossible to make plants 100 percent safe. "What I like to tell folks is safety resources are not unlimited — there's a finite amount," said Davis, a 20-year NRC veteran who left in 2016 to work for Entergy, an operator of several U.S. nuclear plants.

While still at the NRC, Davis was investigated by the agency's inspector general for boasting on his LinkedIn page that he had saved the nuclear industry \$1.6 billion while a regulator. That declaration, the IG found, broke no law yet "created an appearance of impropriety."

A good government 'win'

Miranda, the former NRC engineer, is continuing in his retirement to press his old employer over safety issues, including the fight over backup systems he started while still at the agency.

Nuclear plants create energy by boiling water into steam which turns turbines that produce electricity. Like a pressure cooker, steam buildup must be released through safety valves.

If primary valves malfunction, separate backup valves are needed to control water flow. Pressure relief valve failure contributed to the partial meltdown at Three Mile Island, Miranda explained.

Miranda said he was assigned in 2013 by the NRC to review a proposal by Exelon to increase power output at its Byron and Braidwood plants. He disputed Exelon's contention that backup valves at the decades-old facilities would relieve water pressure in an accident.

Miranda and other NRC technical and legal staff studied the issue for two years and determined Exelon had not conducted required tests to prove the emergency valves would work if needed. Exelon was ordered to undergo the tests, but that was overturned in 2016 after the company appealed directly to Victor McCree, the NRC's Executive Director for Operations.

The action was hailed as "a win for good government," by the Nuclear Energy Institute, an industry trade group.

The price of major safety fixes can run into the tens of millions of dollars if multiple plants are affected, a significant cost even for an industry that claims at least \$40 billion in annual revenue.

In resisting mandatory upgrades, nuclear operators often argue the cost isn't justified when weighed against the low likelihood of an accident.

Economic interdependence between the industry and government dates back to the earliest days of nuclear power in the 1950s.

Federal officials concluded the potential costs of a serious accident could be so crushing that utilities would not take on the risk of building plants. The solution was the Price-Anderson Act, passed by Congress in 1957, a law that partially insulates the nuclear industry from liability in event of a catastrophe.

Mark Cooper, a Vermont-based economist and nuclear power critic, said the industry would be economically unviable without the special protections. "If Price-Anderson were repealed, and utilities faced full liabilities for accidents, the utilities would get out of business as fast as they could," Cooper said.

NRC officials say safety and security of the plants are their top priorities and spokeswoman Mittyng insists that the agency doesn't side with plant owners to save the industry from costly upgrades to address safety concerns.

The reality is that the companies do influence NRC regulations as they fight back against proposed costly fixes, say current and former agency workers.

"The industry pushes back and says 'listen, we're not going along with this. It's too expensive,'" said George Mulley, a former inspector general investigator at

NRC who handled numerous cases involving plant safety over 26 years on the job.

As for the backup valves, Exelon said in a statement to the BGA that its own analysis proves existing equipment works sufficiently. In appealing the staff order for more testing, the company said it was abiding by the rules of the NRC and achieved an outcome that was a "textbook example of multiple nuclear power experts applying their technical knowledge to an issue."

In a statement, the NRC defended the reversal, saying it determined the valve issue was of "minimal safety significance."

By law, members of the public, including special interest groups and even NRC workers, have the right to petition the agency to reconsider policies it has put in place over a wide range of safety concerns, including emergency power systems and mechanical or structural issues. Between 2013 and 2016, there were 38 so-called public petitions filed with the NRC.

A recent internal audit at the NRC found that no safety fixes have been put into place in response to any of those petitions.

Miranda's petition over the safety valve issue was rejected by the agency in June 2017. Also going nowhere were petitions from NRC electrical engineers over the backup power problems and another questioning the sufficiency of emergency backup power and safety at the Palo Verde Nuclear Generating Station operated by the Arizona Public Service Company in that state.

The backup power question was first raised by NRC electrical engineers after a problem was discovered with an emergency power system at Exelon's Byron plant near Rockford. They also determined the problem at Byron was common to many other nuclear plants in the country.

Byron nuclear power plant near Rockford. Madison Hopkins/BGA

Without backup power, plants might be unable to keep reactor cores cool to prevent a meltdown.

In 2016, seven of those engineers issued a public plea to the NRC seeking an immediate order for all plants to either fix the backup power deficiency or shut down.

"The Byron event identified a vulnerability," the engineers wrote in their petition, warning power system failures "must not disable the safety functions of emergency core cooling and vital safety systems to protect the health and safety of the public."

Exelon moved quickly to implement fixes at its plants. But other plant operators sought, and received, permission from the regulatory agency to have until late 2018 to devise voluntary solutions.

The NRC "should not impose any specific design requirements" for the plants, the Nuclear Energy Institute, an industry group, wrote to the agency in 2016. "The NRC should review each licensee's approach for addressing" the issue.

The "voluntary initiative" to resolve the issue was deemed to be appropriate, Mitley told the BGA.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

(C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Castelveter, David  
**Sent:** 20 Dec 2017 22:05:50 +0000  
**To:** Castelveter, David  
**Subject:** Tomorrow's News Tonight

***Internal use only – no distribution outside NRC;  
May contain proprietary material***

Dec. 20, 2017

**Traditional Media**

BETTER GOVERNMENT ASSOCIATION – Following the Better Government Association and the *Associated Press* stories respectfully late last night and early this morning regarding NRC's internal safety culture and the agency's handling of discrimination allegations from industry workers, OPA HQ and OPA Region III responded to follow-up questions from *S&P Global Platts*, Chicago *WBBM News Radio* and a private citizen concerned with public safety. OPA HQ also has been following the news coverage via Twitter. A few news outlets have tweeted links to the article, including CBS News, which tweeted the *AP* story and *CBS Chicago*. We also reached out to *Greenwire* and secured a correction to factual inaccuracies in its story.

Non Responsive Record

**Press Release**

NRC Launches Special Inspection at Clinton Nuclear Plant

***Internal use only – no distribution outside NRC;  
May contain proprietary material***

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission

Note to Requester: The Press Release's URL is  
<https://www.nrc.gov/reading-rm/doc-collections/news/2017/17-026.iii.pdf>

Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

 david.castelveter@nrc.gov

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**From:** Bulletin Intelligence  
**Sent:** 22 Dec 2017 07:11:14 -0500  
**To:** NRC@BulletinIntelligence.com  
**Subject:** [External\_Sender] NRC News Summary for Friday, December 22, 2017  
**Attachments:** NRCSummary171222.doc, NRCSummary171222.pdf,  
NRCClips171222.doc, NRCClips171222.pdf

**Holiday Message.** *In observance of the Christmas holiday, we will not publish on Monday, December 25, 2017 and Tuesday, December 26, 2017. Service will resume on Wednesday, December 27, 2017. We wish our readers a safe and happy holiday.*

This morning's Nuclear Regulatory Commission News Summary and Clips are attached.

**Website:** You can also read today's briefing, including searchable archive of past editions, at <http://NRC.BulletinIntelligence.com>.

**Full-text Links:** Clicking the hypertext links in our write-ups will take you to the newspapers' original full-text articles.

**Interactive Table of Contents:** Clicking a page number on the table of contents page will take you directly to that story.

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# NUCLEAR REGULATORY COMMISSION NEWS SUMMARY

Note to requester: Hyperlink to "Crain's Chicago Business" goes to <http://www.chicagobusiness.com/article/20171221/NEWS02/171229979/nrc-whistleblower-complaints-lead-to-zero-upheld> and hyperlink to "AP" goes to <https://www.9and10news.com/2017/12/21/ap7-389/>

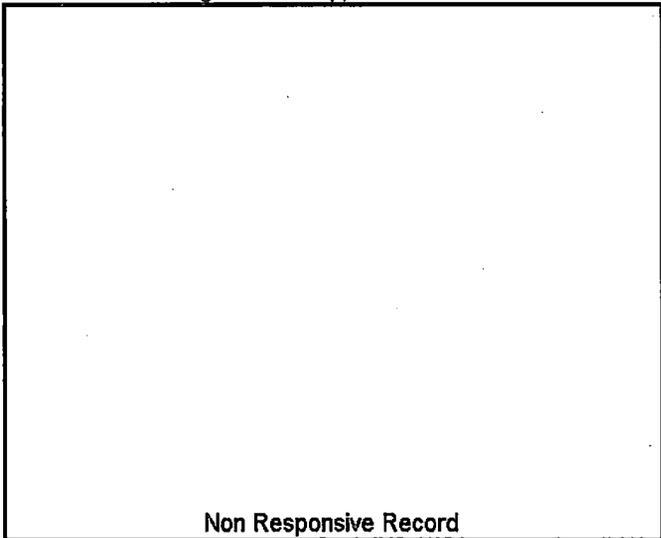
FRIDAY, DECEMBER 22, 2017 7:00 AM EST

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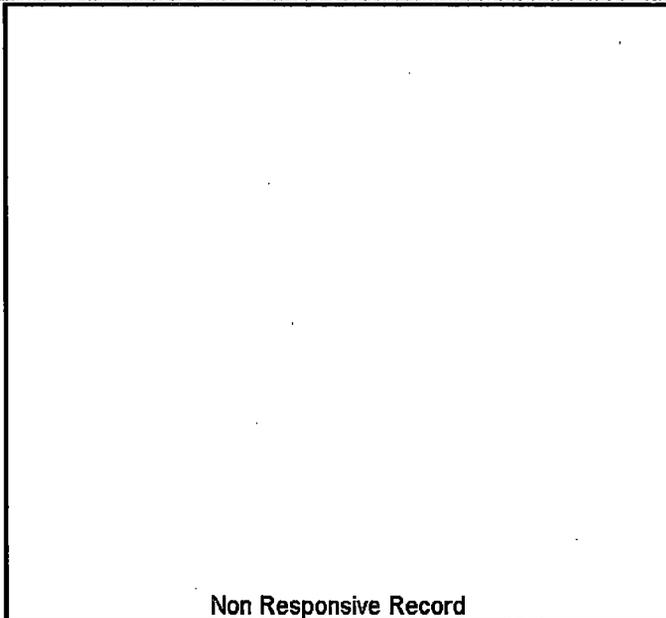
## TODAY'S EDITION

### NRC News

NRC Seen As Doing Little To Support Whistleblowers' Claims. ...1



Non Responsive Record



Non Responsive Record

**Holiday Message.** In observance of the Christmas holiday, we will not publish on Monday, December 25, 2017 and Tuesday, December 26, 2017. Service will resume on Wednesday, December 27, 2017. We wish our readers a safe and happy holiday.

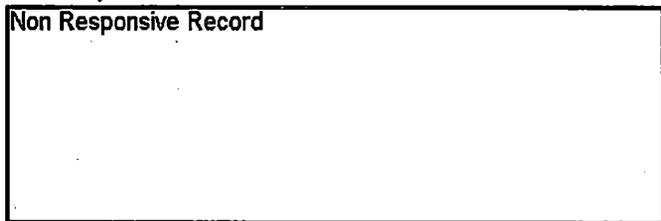
### NRC NEWS:

#### **NRC Seen As Doing Little To Support Whistleblowers' Claims.**

A piece from Better Government Association writers Madison Hopkins and Brett Chase on Crain's Chicago Business (12/21, 188K) reports that in 2010, 30-year nuclear industry veteran Marilyn Lingle "began a new job...helping dismantle Exelon's long-shuttered Zion nuclear power plant." While records reveal Lingle "did her work by the book" her "methodical pace frustrated employees at ZionSolutions," according to reports filed with the NRC. After she "continued to have run-ins at the plant, and managers started to view her as 'an annoyance and nuisance,'" and she was suspended and sent for counseling,

Lingle filed a whistleblower complaint with the NRC accusing ZionSolutions of retaliation. The case was never resolved, as Lingle was later found dead in her truck, but the article adds that many such whistleblower complaints show an "entrenched pattern at the agency" in which it "encourages nuclear plant workers to speak out," but then "does little to support those claims."

In an abbreviated version of an earlier story, the AP (12/21) reports that a BGA "investigation finds employees from U.S. nuclear power plants filed nearly 700 complaints" with the NRC in recent years, "claiming retaliation for raising safety concerns, records show." But the agency "found no wrongdoing." NRC officials "also overrule recommendations from their own technical experts on protecting against floods, equipment failures, power outages and other problems, the BGA says."



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# NUCLEAR REGULATORY COMMISSION NEWS CLIPS

FRIDAY, DECEMBER 22, 2017 7:00 AM EST

[NRC.BULLETININTELLIGENCE.COM](http://NRC.BULLETININTELLIGENCE.COM)

## TODAY'S EDITION

### NRC News

In This Power Struggle, The Whistleblowers Always Lose

(CRCHIBIZ).....3

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## **NRC NEWS:**

### **In This Power Struggle, The Whistleblowers Always Lose**

**Better Government Association**

By Madison Hopkins, Brett Chase

Crain's Chicago Business, December 21, 2017

Marilyn Lingle, a nearly 30-year veteran of the nuclear generating industry, began a new job in 2010 helping dismantle Exelon's long-shuttered Zion nuclear power plant. One of her assignments was to measure radiation on scrap metal before it was landfilled or recycled. Records show she did her work by the book, scouring each piece to ensure it wasn't a public danger.

Yet Lingle's methodical pace frustrated employees at ZionSolutions, a contractor hired by Exelon to decommission the plant site near the Wisconsin border, according to reports filed with the U.S. Nuclear Regulatory Commission. During the next few months she continued to have run-ins at the plant, and managers started to view her as "an annoyance and nuisance," the records show.

Lingle's bosses began faulting her job performance, accused her of disruptive behavior and issued reprimands. She was placed on suspension and sent to a counselor who found Lingle was suffering from stress brought on by "perceived threats, accusations and intimidation by management."

Lingle filed a whistleblower complaint with the NRC that accused ZionSolutions of retaliation for airing safety concerns—one of hundreds of similar cases received by the agency in recent years that all ended the same, a Better Government Association analysis found.

Employees at the nation's nuclear power plants filed 687 whistleblower complaints from 2010 to 2016, claiming retaliation for raising safety concerns, records show. The NRC only investigated about one-third of these allegations. It upheld zero.

The results underscore an entrenched pattern at the agency. The NRC encourages nuclear plant workers to speak out and says it relies on them to be its eyes and ears in the quest for safety in a nuclear generating industry that has little margin for error. But the agency's record does little to support those claims.

Lingle never lived to see her complaint rejected. Two months after the NRC opened an investigation, she was found dead in her truck in her garage. The Lake County coroner's office ruled that her death by carbon monoxide asphyxiation was an accident.

A year later, NRC investigators concluded that ZionSolutions managers had "greatly exaggerated" accusations against Lingle and her complaints of retaliation were valid. But the posthumous victory didn't stick. After a final review with agency lawyers, the NRC rejected the findings and declined to act against ZionSolutions. Officials from ZionSolutions did not return repeated calls for comment.

#### **'NOBODY REALLY CARES'**

Paul Blanch, himself a one-time plant whistleblower, nuclear engineer and safety consultant for the nuclear industry, says such outcomes send a clear message summed up in gallows humor common among nuclear industry workers: NRC, they say, stands for "Nobody Really Cares."

NRC spokeswoman Prema Chandrathil said the numbers don't tell the whole story. The main reason no recent cases have concluded in a whistleblower's favor, she said, is the threshold for accepting allegations is "very low" but the burden of proof needed to find wrongdoing by a nuclear operator is far higher.

"The NRC is focused on nuclear safety and enforcing its regulations, which prohibit discrimination against nuclear workers who raise nuclear safety concerns," Chandrathil said in a written statement to the BGA.

Chandrathil added that more than a quarter of the discrimination cases received over the six-year period were never investigated because employees and companies reached private settlements before it got to that stage.

The NRC says the settlement process is beneficial to both sides but critics argue it is an easy way to silence whistleblowers and keep problems under wraps.

#### **SILENCE OVER SAFETY**

The BGA interviewed a dozen current and former nuclear plant workers across the country about their workplace cultures. Most described climates that emphasized silence over safety and said raising concerns that might lead to expensive repairs was considered a career killer.

Some employees still on the job declined to speak on the record, saying they feared repercussions and worried going to the NRC would accomplish nothing.

One longtime employee who did speak openly said employees have little faith the agency will thoroughly investigate concerns.

Note to Requester: Hyperlink to "Crain's Chicago Business" goes to <http://www.chicagobusiness.com/article/20171221/NEWS02/171229979/nrc-whistleblower-complaints-lead-to-zero-upheld>

"They don't find anything," said Barry Quigley, a senior design engineering analyst who has worked at the Byron plant for 31 years. "It's just not effective."

#### TOUGH TO PROVE

Whistleblower cases are notoriously difficult to prove, regardless of the industry. The U.S. Department of Labor fielded more than 20,000 workplace complaints from whistleblowers over roughly the same six-year period and determined just 388, about 2 percent, had merit—a tiny fraction but still higher than results at the NRC.

In theory, nuclear power plant employees can file retaliation complaints with both the Labor Department and the NRC, but investigations at each agency are designed to serve different purposes.

The Labor Department has the authority to order employers to pay whistleblowers back pay or restore their jobs. The NRC lacks any such power to help workers personally and can only act to fix safety problems.

So a whistleblower complaint to the NRC is usually more selfless in intent, argued Billie Garde, a Washington, D.C., lawyer who has represented nuclear plant whistleblowers for more than three decades.

Among Garde's clients is Chris Mikusko, who worked security at the Palisades nuclear plant near South Haven, Mich., operated by Entergy. After 28 years at Palisades, he was laid off in 2013 for what plant managers termed a "restructuring" but what Mikusko claimed was retaliation for reporting security-related problems, records show. One instance cited in Department of Labor reports shows he complained that a supervisor asked another employee to fill in for an armed security guard position—a job the employee was not authorized to do—causing a security risk at the plant.

Mikusko filed whistleblower complaints with both the NRC and the labor department, and labor took his side. It ordered Entergy to restore his job, though Mikusko did not return after reaching a settlement with the company.

The NRC reached the opposite conclusion, deeming Mikusko's retaliation claims unsubstantiated. Mikusko said he was shocked.

#### 'WE'RE SUPPOSED TO BE PROTECTED'

"I thought this is the kind of case that the NRC should be hanging their badges on," Mikusko said. "We brought up concerns. We're supposed to be protected."

Chandrabhil declined to comment on specifics of Mikusko's case, but said the NRC is always rigorous in investigating retaliation claims.

The NRC, meanwhile, acknowledged a poor safety culture existed in the Palisades security department after Mikusko left. The agency surveyed plant employees and all from the security department who responded said they were not comfortable raising issues without fear of retaliation.

"After what happened to us, people were completely and genuinely afraid," Mikusko said of his former co-workers. "After going through what we went through, I lost complete and utter faith in the NRC."

In a prepared statement, Entergy spokeswoman Val Gent said Palisades plant management was proactive in responding to the NRC findings and had worked to establish "an unrelenting focus on safety."

#### PERCEPTION OF INDIFFERENCE

A perception that the NRC is indifferent to whistleblower allegations has long dogged the agency. In 1993, the NRC's Office of the Inspector General conducted a study that found scant action taken when plant workers raise an alarm.

The study said the NRC had investigated just 44 of 609 retaliation complaints it received over a roughly five-year period. Only seven resulted in enforcement actions.

Whistleblowers, whose identities were withheld from the report, told the inspector general investigators they felt abandoned by the NRC and feared cooperating with the agency, or filing complaints with the labor department, would only lead to financial hardship and emotional pain, the report said.

The inspector general report outlined examples of intimidation that plant workers said they were forced to endure for speaking out. One said he was moved to a position with a higher level of radiation exposure after reporting problems.

Another recalled an incident when a co-worker pointed to a charred mannequin used in a firefighting exercise and said the whistleblower risked a similar fate if his behavior did not change. This whistleblower was later diagnosed with Post-Traumatic Stress Disorder attributed to workplace trauma, according to the report.

The U.S. Senate Committee on Environment and Public Works later held hearings on whistleblower treatment at the NRC. Then-Sen. Joseph Lieberman, a Connecticut Democrat, presided over the session and said he found the report disturbing.

"Serious problems of safety may exist today that we will not be warned about because workers may feel unprotected if they blow the whistle," Lieberman warned at the time. "The law is not working if people cannot speak out when they see situations that they fear are dangerous because of greater fears of the legal, economic, or bureaucratic consequences."

The inspector general at the time made several recommendations to improve the NRC's handling of whistleblower complaints, though the agency did not formally adopt any of them.

#### PRIVATE MEDIATION

Chandraithil, the NRC spokeswoman, said the agency embraced other changes, including in 2004 when it began offering whistleblowers the opportunity to privately mediate complaints with plant operators—a process the NRC billed as a path to speedy resolutions and enhanced plant safety.

As part of those confidential deals, employees often accept back pay if they had been suspended or fired but agree to quit or stop speaking about the safety concerns they had raised, according to Garde, the whistleblower attorney. While the NRC is still required to look into the underlying safety problems, those often aren't taken as seriously without the whistleblowers pushing for change, she said.

"The NRC isn't picking up the gauntlet of being an advocate for those issues," Garde said. "What you've got is a system set up to basically pay them off, keep them quiet, settle the problem so it isn't all over the newspaper or the TV."

Madison Hopkins and Brett Chase write for the Better Government Association.

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**From:** KEELEY, John  
**Sent:** 20 Dec 2017 19:35:28 +0000  
**To:** Dolley, Steven  
**Subject:** [External\_Sender] RE: AP-BGA story on NRC whistleblowers

We concur with your assessment!

---

**From:** Dolley, Steven [mailto:steven.dolley@spglobal.com]  
**Sent:** Wednesday, December 20, 2017 1:48 PM  
**To:** KEELEY, John  
**Cc:** GRP. Media  
**Subject:** RE: AP-BGA story on NRC whistleblowers

Hi John,

Will NEI be issuing a response to this story? Looks like a whole lot of widely varying allegations were lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

Thanks,  
Steve

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

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**S&P Global**

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Sent through [www.intermedia.com](http://www.intermedia.com)

**From:** Lew, David  
**Sent:** 20 Dec 2017 16:40:35 -0500  
**To:** McIntyre, David;McCree, Victor;Mitlyng, Viktoria;Pederson, Cynthia;Johnson, Michael;Bowen, Jeremy;Castelveter, David;Holian, Brian;Chandrathil, Prema  
**Cc:** West, Steven;O'Brien, Kenneth;Shuaibi, Mohammed;Louden, Patrick;Stoedter, Karla;Lara, Julio;Heck, Jared  
**Subject:** RE: BGA STORY

Just my two cents. Having the DOL statistics may provide a useful context: how many of the below referenced NRC-related case did DOL review and substantiate? What percentage of cases did DOL substantiate more broadly; i.e., including other industries?

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 4:34 PM  
**To:** McCree, Victor <Victor.McCree@nrc.gov>; Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Johnson, Michael <Michael.Johnson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>; Chandrathil, Prema <Prema.Chandrathil@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>  
**Subject:** RE: BGA STORY

2010-2016, I believe.

**From:** McCree, Victor  
**Sent:** Wednesday, December 20, 2017 4:27 PM  
**To:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Johnson, Michael <Michael.Johnson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>; Chandrathil, Prema <Prema.Chandrathil@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>; McIntyre, David <David.McIntyre@nrc.gov>  
**Subject:** Re: BGA STORY

...over what time period (years) was this data collected.

Vic

---

On: 20 December 2017 14:53, "Mitlyng, Viktoria" <Viktoria.Mitlyng@nrc.gov> wrote:

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 2:45 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Subject:** RE: RE: RE: AP-BGA story on NRC

Per the Office of Enforcement, of the 686 allegations of discrimination received in that time period, 368 met the initial prima facie screening criteria. Of those, 101 were resolved through Alternative Dispute Resolution and removed from the system. Of the rest, the Office of Investigations opened case files on 235, and found substantiation of discrimination in 1 case. This finding was overruled by the Office of General Counsel. So the final answer is ZERO.

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 1:56 PM  
**To:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>  
**Subject:** FW: RE: RE: AP-BGA story on NRC

Dave, I have a 2 p.m. and then the 3 p.m. AMM. Are you able to respond to Steve?

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)  
[REDACTED] (C)  
[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

(b)(6)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:46 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Subject:** [External\_Sender] RE: RE: AP-BGA story on NRC

OK, thanks David. But is the story correct that \*none\* of nearly 700 allegations of retaliation filed since 2010 have been substantiated? (I did read the explanation of 'substantiated' below).

If that's correct, it's not a "relatively low number of discrimination allegations ultimately substantiated by the NRC," it's zero. Although I guess technically speaking, "zero" is "a relatively low number."

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:33 PM  
**To:** Dolley, Steven  
**Subject:** RE: RE: AP-BGA story on NRC

Steve, I know this is a lot, but it might be helpful for you to read this from top to bottom. Also, I believe NEI might have a statement, Might want to check with them.

The NRC Position on Discrimination Allegations [see below] addresses the question about the number of discrimination allegation cases that are ultimately substantiated. With respect to the specific case in Illinois, subsequent to the NRC's initial prima facie finding, the agency review of Allegation No: RIII-2010-A-0081 – including the investigation report and the subsequent review by the agency's legal, enforcement and technical staff – led to the NRC staff's ultimate conclusion that the individual did not engage in activity protected by Section 211 of the Energy Reorganization Act of 1974. Specifically, the NRC staff determined that the concerns raised by the individual in this case were not related to a nuclear safety issue.

NRC regulations prohibit discriminating against an employee for raising safety concerns. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Retaliation by employers against workers who report safety concerns can also create a "chilling effect" that discourages workers from raising other safety issues. If this happens, a valuable source of information for improving safety is potentially diminished or lost.

The primary reason for the relatively low number of discrimination allegations ultimately substantiated by the NRC is that the threshold for taking in discrimination allegations for more detailed evaluation is very low, while the bar for the burden of proof to conclude that a licensee

violated federal requirements for whistleblowing is significantly higher. It is also important to note that a significant number of discrimination cases get resolved through the NRC's Alternative Dispute Resolution (ADR) Program, which does not require proof that discrimination occurred. In fact, of the allegations of discrimination received from 2010 – 2016 from sources external to the NRC at operating and non-operating nuclear power plants, more than 25 percent were resolved via the Alternative Dispute Resolution Process. Because these cases were settled, there was no need for the Office of Investigations to determine if the allegations were substantiated.

Additional information regarding ADR cases and their success are located on our website [here](#).

When an individual comes to the NRC and claims to have been subject to an adverse action from an NRC licensee because they were involved in a protected activity (*i.e.*, raising a concern related to plant safety or security), the NRC will enter a discrimination allegation into its review process.

For the case to meet the “prima facie” determination, further agency review of the allegation must conclude, among other things, that there is a likelihood of a causal tie between the protected activity and the adverse action. Again, the threshold to make the initial determination that such a tie is possible is rather low.

When a “prima facie” determination is met, the alleger and the licensee are offered an opportunity to engage in an Alternative Dispute Resolution (ADR) process. If ADR is successful, the complaint is considered resolved, and there is no requirement to investigate or substantiate the allegation further.

The NRC's Office of Investigations will proceed with a formal investigation in two instances: If the alleger declines ADR and requests an investigation, or if ADR fails to result in a settlement.

At this point, the NRC begins the rigorous process of investigating the allegation and identifying the facts of the case. OI pursues its investigation through interviews recorded under oath, reviews of records and other actions, always looking for evidence for each “prima facie” finding. When the investigation concludes, OI issues an investigation report that identifies the facts substantiated during the investigation. If OI believes that a violation of NRC's employee protection regulations may have occurred, OI works with NRC's legal, enforcement and technical staff to evaluate the sufficiency of the evidence to support a potential NRC enforcement action (see [NRC Enforcement Manual](#), Part II, 1.3.4). Sometimes, if the evidence does not sufficiently establish that a violation

Link about ADR cases and their success is <https://www.nrc.gov/about-nrc/regulatory/enforcement/adr/trending-data.html>.

Link to "NRC Enforcement Manual, Part II, 1.3.4 is <https://www.nrc.gov/docs/ML1026/ML102630150.pdf>

more likely than not occurred, the agency's final conclusion will be to decline any enforcement action.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)  (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:18 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] RE: AP-BGA story on NRC

Since 2010

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

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## S&P Global

**From:** Dolley, Steven  
**Sent:** Wednesday, December 20, 2017 1:17 PM  
**To:** 'Castelveter, David'  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Thanks David. Yes, it's a real grab bag of years and years of wideranging allegations. I'm not sure where the group is coming from or why they decided to lump them all together as a broadside.

In the short term, I'm most interested in NRC's response to the claim that it upheld zero out of almost 700 whistleblower allegations of retaliation (over what time period? Not clear from the story).

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:15 PM  
**To:** Dolley, Steven  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Steve, there is so much in here, I would not know where to begin. I will send something, however.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)  
 (C)  
[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

(b)(6)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:03 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] AP-BGA story on NRC

Hi David,

Will the agency be issuing a response to this story? Looks like a whole lot of widely varying allegations lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

At this point I don't plan to write on this for INRC tomorrow, but will be looking into it and getting back to you all.

I would like to get NRC's response to this specific allegation, however.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing. ...

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

Thanks,  
Steve

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

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**S&P Global**

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**From:** Pederson, Cynthia  
**Sent:** Wednesday, December 20, 2017 1:39 PM  
**To:** Johnson, Michael <[Michael.Johnson@nrc.gov](mailto:Michael.Johnson@nrc.gov)>; Bowen, Jeremy <[Jeremy.Bowen@nrc.gov](mailto:Jeremy.Bowen@nrc.gov)>; McCree, Victor <[Victor.McCree@nrc.gov](mailto:Victor.McCree@nrc.gov)>; Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>; Holian, Brian <[Brian.Holian@nrc.gov](mailto:Brian.Holian@nrc.gov)>; Mitlyng, Viktoria <[Viktoria.Mitlyng@nrc.gov](mailto:Viktoria.Mitlyng@nrc.gov)>; Chandrathil, Prema <[Prema.Chandrathil@nrc.gov](mailto:Prema.Chandrathil@nrc.gov)>  
**Cc:** West, Steven <[Steven.West@nrc.gov](mailto:Steven.West@nrc.gov)>; O'Brien, Kenneth <[Kenneth.O'Brien@nrc.gov](mailto:Kenneth.O'Brien@nrc.gov)>; Shuaibi, Mohammed <[Mohammed.Shuaibi@nrc.gov](mailto:Mohammed.Shuaibi@nrc.gov)>; Louden, Patrick <[Patrick.Louden@nrc.gov](mailto:Patrick.Louden@nrc.gov)>; Stoedter, Karla <[Karla.Stoedter@nrc.gov](mailto:Karla.Stoedter@nrc.gov)>; Lara, Julio <[Julio.Lara@nrc.gov](mailto:Julio.Lara@nrc.gov)>; Heck, Jared <[Jared.Heck@nrc.gov](mailto:Jared.Heck@nrc.gov)>; Lew, David <[David.Lew@nrc.gov](mailto:David.Lew@nrc.gov)>  
**Subject:** RE: BGA STORY  
**Importance:** High

Vika/Prema, can you address this question. Thanks.

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**Cc:** West, Steven <[Steven.West@nrc.gov](mailto:Steven.West@nrc.gov)>; O'Brien, Kenneth <[Kenneth.O'Brien@nrc.gov](mailto:Kenneth.O'Brien@nrc.gov)>; Shuaibi, Mohammed <[Mohammed.Shuaibi@nrc.gov](mailto:Mohammed.Shuaibi@nrc.gov)>; Louden, Patrick <[Patrick.Louden@nrc.gov](mailto:Patrick.Louden@nrc.gov)>; Stoedter, Karla <[Karla.Stoedter@nrc.gov](mailto:Karla.Stoedter@nrc.gov)>; Lara, Julio <[Julio.Lara@nrc.gov](mailto:Julio.Lara@nrc.gov)>; Heck, Jared <[Jared.Heck@nrc.gov](mailto:Jared.Heck@nrc.gov)>; Lew, David <[David.Lew@nrc.gov](mailto:David.Lew@nrc.gov)>  
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Any idea whether the numbers provided in the article are accurate?

Mike

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**Subject:** FW: BGA STORY  
**Importance:** High

We are still reviewing this. Story is critical of NRC oversight.

**From:** Mitlyng, Viktoria

**Sent:** Wednesday, December 20, 2017 6:26 AM

**To:** Pederson, Cynthia <[Cynthia.Pederson@nrc.gov](mailto:Cynthia.Pederson@nrc.gov)>; West, Steven <[Steven.West@nrc.gov](mailto:Steven.West@nrc.gov)>; O'Brien, Kenneth <[Kenneth.O'Brien@nrc.gov](mailto:Kenneth.O'Brien@nrc.gov)>; Shuaibi, Mohammed <[Mohammed.Shuaibi@nrc.gov](mailto:Mohammed.Shuaibi@nrc.gov)>; Loudon, Patrick <[Patrick.Loudon@nrc.gov](mailto:Patrick.Loudon@nrc.gov)>; Lara, Julio <[Julio.Lara@nrc.gov](mailto:Julio.Lara@nrc.gov)>; Duncan, Eric <[Eric.Duncan@nrc.gov](mailto:Eric.Duncan@nrc.gov)>

**Cc:** prema.chanrathil@nrc.gov; Heck, Jared <[Jared.Heck@nrc.gov](mailto:Jared.Heck@nrc.gov)>; Logaras, Harral <[Harral.Logaras@nrc.gov](mailto:Harral.Logaras@nrc.gov)>; Barker, Allan <[Allan.Barker@nrc.gov](mailto:Allan.Barker@nrc.gov)>; Wolf, Carolyn <[Carolyn.Wolf@nrc.gov](mailto:Carolyn.Wolf@nrc.gov)>

**Subject:** BGA STORY

Link to the story:

<https://projects.bettergov.org/power-struggle/warnings.html>

***Viktoria Mitlyng***  
Senior Public Affairs Officer

US Nuclear Regulatory Commission  
Region 3

Tel 630-829-9662 (office)

Tel.  (cell)

(b)(6)

**From:** Mitlyng, Viktoria  
**Sent:** 20 Dec 2017 13:53:42 -0600  
**To:** Pederson, Cynthia;Johnson, Michael;Bowen, Jeremy;McCree, Victor;Castelveter, David;Holian, Brian;Chandrathil, Prema  
**Cc:** West, Steven;O'Brien, Kenneth;Shuaibi, Mohammed;Louden, Patrick;Stoedter, Karla;Lara, Julio;Heck, Jared;Lew, David;McIntyre, David  
**Subject:** RE: BGA STORY

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 2:45 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Subject:** RE: RE: RE: AP-BGA story on NRC

Per the Office of Enforcement, of the 686 allegations of discrimination received in that time period, 368 met the initial prima facie screening criteria. Of those, 101 were resolved through Alternative Dispute Resolution and removed from the system. Of the rest, the Office of Investigations opened case files on 235, and found substantiation of discrimination in 1 case. This finding was overruled by the Office of General Counsel. So the final answer is ZERO.

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 1:56 PM  
**To:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>  
**Subject:** FW: RE: RE: AP-BGA story on NRC

Dave, I have a 2 p.m. and then the 3 p.m. AMM. Are you able to respond to Steve?

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)  
[REDACTED] (C)  
[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:46 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Subject:** [External\_Sender] RE: RE: AP-BGA story on NRC

(b)(6)

OK, thanks David. But is the story correct that \*none\* of nearly 700 allegations of retaliation filed since 2010 have been substantiated? (I did read the explanation of 'substantiated' below).

If that's correct, it's not a "relatively low number of discrimination allegations ultimately substantiated by the NRC," it's zero. Although I guess technically speaking, "zero" is "a relatively low number."

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

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## S&P Global

**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:33 PM  
**To:** Dolley, Steven  
**Subject:** RE: RE: AP-BGA story on NRC

Steve, I know this is a lot, but it might be helpful for you to read this from top to bottom. Also, I believe NEI might have a statement, Might want to check with them.

The NRC Position on Discrimination Allegations [see below] addresses the question about the number of discrimination allegation cases that are ultimately substantiated. With respect to the specific case in Illinois, subsequent to the NRC's initial prima facie finding, the agency review of Allegation No: RIII-2010-A-0081 – including the investigation report and the subsequent review by the agency's legal, enforcement and technical staff – led to the NRC staff's ultimate conclusion that the individual did not engage in activity protected by Section 211 of the Energy Reorganization Act of 1974. Specifically, the NRC staff determined that the concerns raised by the individual in this case were not related to a nuclear safety issue.

NRC regulations prohibit discriminating against an employee for raising safety concerns. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Retaliation by employers against workers who report safety concerns can also create a "chilling effect" that discourages workers from raising

other safety issues. If this happens, a valuable source of information for improving safety is potentially diminished or lost.

The primary reason for the relatively low number of discrimination allegations ultimately substantiated by the NRC is that the threshold for taking in discrimination allegations for more detailed evaluation is very low, while the bar for the burden of proof to conclude that a licensee violated federal requirements for whistleblowing is significantly higher. It is also important to note that a significant number of discrimination cases get resolved through the NRC's Alternative Dispute Resolution (ADR) Program, which does not require proof that discrimination occurred. In fact, of the allegations of discrimination received from 2010 – 2016 from sources external to the NRC at operating and non-operating nuclear power plants, more than 25 percent were resolved via the Alternative Dispute Resolution Process. Because these cases were settled, there was no need for the Office of Investigations to determine if the allegations were substantiated.

Additional information regarding ADR cases and their success are located on our website [here](#).

When an individual comes to the NRC and claims to have been subject to an adverse action from an NRC licensee because they were involved in a protected activity (*i.e.*, raising a concern related to plant safety or security), the NRC will enter a discrimination allegation into its review process.

For the case to meet the “prima facie” determination, further agency review of the allegation must conclude, among other things, that there is a likelihood of a causal tie between the protected activity and the adverse action. Again, the threshold to make the initial determination that such a tie is possible is rather low.

When a “prima facie” determination is met, the allegor and the licensee are offered an opportunity to engage in an Alternative Dispute Resolution (ADR) process. If ADR is successful, the complaint is considered resolved, and there is no requirement to investigate or substantiate the allegation further.

The NRC's Office of Investigations will proceed with a formal investigation in two instances: If the allegor declines ADR and requests an investigation, or if ADR fails to result in a settlement.

At this point, the NRC begins the rigorous process of investigating the allegation and identifying the facts of the case. OI pursues its investigation through interviews recorded under oath, reviews of records and other actions, always looking for evidence for each “prima facie” finding. When the investigation concludes, OI issues an investigation report that identifies the facts substantiated during the investigation. If OI believes that a violation of NRC's employee protection regulations may have occurred, OI works with NRC's legal, enforcement and technical staff to evaluate the sufficiency of the evidence to support a potential NRC enforcement action (see [NRC Enforcement Manual](#), Part

II, 1.3.4). Sometimes, if the evidence does not sufficiently establish that a violation more likely than not occurred, the agency's final conclusion will be to decline any enforcement action.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)  (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:18 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] RE: AP-BGA story on NRC

Since 2010

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
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**S&P Global**

**From:** Dolley, Steven  
**Sent:** Wednesday, December 20, 2017 1:17 PM  
**To:** 'Castelveter, David'  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Thanks David. Yes, it's a real grab bag of years and years of wideranging allegations. I'm not sure where the group is coming from or why they decided to lump them all together as a broadside.

In the short term, I'm most interested in NRC's response to the claim that it upheld zero out of almost 700 whistleblower allegations of retaliation (over what time period? Not clear from the story).

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Managing Editor, Inside NRC

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T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
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## S&P Global

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**Sent:** Wednesday, December 20, 2017 1:15 PM  
**To:** Dolley, Steven  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Steve, there is so much in here, I would not know where to begin. I will send something, however.

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U.S. Nuclear Regulatory Commission  
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11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)  (C)  
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**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:03 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] AP-BGA story on NRC

Hi David,

Will the agency be issuing a response to this story? Looks like a whole lot of widely varying allegations lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

At this point I don't plan to write on this for INRC tomorrow, but will be looking into it and getting back to you all.

I would like to get NRC's response to this specific allegation, however.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing. ...

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

Thanks,  
Steve

**Steven Dolley**  
Managing Editor, Inside NRC

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***Viktoria Mitlyng***

Senior Public Affairs Officer

US Nuclear Regulatory Commission

Region 3

Tel 630-829-9662 (office)

(b)(6) Tel  (cell)

**From:** Castelveter, David  
**Sent:** 20 Dec 2017 20:02:02 +0000  
**To:** McIntyre, David  
**Subject:** Re: RE: RE: AP-BGA story on NRC

Thanks

David A. Castelveter  
Director of Public Affairs  
Nuclear Regulatory Commission  
301-415-8200

---

On: 20 December 2017 14:47, "McIntyre, David" <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)> wrote:  
ok

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 2:46 PM  
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**Subject:** Re: RE: RE: AP-BGA story on NRC

Would you send to Dolly. I am en route AMM

David A. Castelveter  
Director of Public Affairs  
Nuclear Regulatory Commission  
301-415-8200

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301-415-8200 (O)

(b)(6)  (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

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**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>

**Subject:** [External\_Sender] RE: RE: AP-BGA story on NRC

OK, thanks David. But is the story correct that \*none\* of nearly 700 allegations of retaliation filed since 2010 have been substantiated? (I did read the explanation of 'substantiated' below).

If that's correct, it's not a "relatively low number of discrimination allegations ultimately substantiated by the NRC," it's zero. Although I guess technically speaking, "zero" is "a relatively low number."

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005

T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)

[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]

**Sent:** Wednesday, December 20, 2017 1:33 PM

**To:** Dolley, Steven

**Subject:** RE: RE: AP-BGA story on NRC

Steve, I know this is a lot, but it might be helpful for you to read this from top to bottom. Also, I believe NEI might have a statement, Might want to check with them.

The NRC Position on Discrimination Allegations [see below] addresses the question about the number of discrimination allegation cases that are ultimately

substantiated. With respect to the specific case in Illinois, subsequent to the NRC's initial prima facie finding, the agency review of Allegation No: RIII-2010-A-0081 – including the investigation report and the subsequent review by the agency's legal, enforcement and technical staff – led to the NRC staff's ultimate conclusion that the individual did not engage in activity protected by Section 211 of the Energy Reorganization Act of 1974. Specifically, the NRC staff determined that the concerns raised by the individual in this case were not related to a nuclear safety issue.

NRC regulations prohibit discriminating against an employee for raising safety concerns. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Retaliation by employers against workers who report safety concerns can also create a "chilling effect" that discourages workers from raising other safety issues. If this happens, a valuable source of information for improving safety is potentially diminished or lost.

The primary reason for the relatively low number of discrimination allegations ultimately substantiated by the NRC is that the threshold for taking in discrimination allegations for more detailed evaluation is very low, while the bar for the burden of proof to conclude that a licensee violated federal requirements for whistleblowing is significantly higher. It is also important to note that a significant number of discrimination cases get resolved through the NRC's Alternative Dispute Resolution (ADR) Program, which does not require proof that discrimination occurred. In fact, of the allegations of discrimination received from 2010 – 2016 from sources external to the NRC at operating and non-operating nuclear power plants, more than 25 percent were resolved via the Alternative Dispute Resolution Process. Because these cases were settled, there was no need for the Office of Investigations to determine if the allegations were substantiated.

Additional information regarding ADR cases and their success are located on our website [here](#).

When an individual comes to the NRC and claims to have been subject to an adverse action from an NRC licensee because they were involved in a protected activity (*i.e.*, raising a concern related to plant safety or security), the NRC will enter a discrimination allegation into its review process.

For the case to meet the "prima facie" determination, further agency review of the allegation must conclude, among other things, that there is a likelihood of a causal tie between the protected activity and the adverse action. Again, the threshold to make the initial determination that such a tie is possible is rather low.

When a "prima facie" determination is met, the allegor and the licensee are offered an opportunity to engage in an Alternative Dispute Resolution (ADR)

process. If ADR is successful, the complaint is considered resolved, and there is no requirement to investigate or substantiate the allegation further.

The NRC's Office of Investigations will proceed with a formal investigation in two instances: If the allee declines ADR and requests an investigation, or if ADR fails to result in a settlement.

At this point, the NRC begins the rigorous process of investigating the allegation and identifying the facts of the case. OI pursues its investigation through interviews recorded under oath, reviews of records and other actions, always looking for evidence for each "prima facie" finding. When the investigation concludes, OI issues an investigation report that identifies the facts substantiated during the investigation. If OI believes that a violation of NRC's employee protection regulations may have occurred, OI works with NRC's legal, enforcement and technical staff to evaluate the sufficiency of the evidence to support a potential NRC enforcement action (see NRC Enforcement Manual, Part II, 1.3.4). Sometimes, if the evidence does not sufficiently establish that a violation more likely than not occurred, the agency's final conclusion will be to decline any enforcement action.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

[REDACTED] (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:18 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] RE: AP-BGA story on NRC

Since 2010

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Dolley, Steven  
**Sent:** Wednesday, December 20, 2017 1:17 PM  
**To:** 'Castelveter, David'  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Thanks David. Yes, it's a real grab bag of years and years of wideranging allegations. I'm not sure where the group is coming from or why they decided to lump them all together as a broadside.

In the short term, I'm most interested in NRC's response to the claim that it upheld zero out of almost 700 whistleblower allegations of retaliation (over what time period? Not clear from the story).

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:15 PM  
**To:** Dolley, Steven  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Steve, there is so much in here, I would not know where to being. I will send something, however.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission

Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

[REDACTED] (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:03 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] AP-BGA story on NRC

Hi David,

Will the agency be issuing a response to this story? Looks like a whole lot of widely varying allegations lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

At this point I don't plan to write on this for INRC tomorrow, but will be looking into it and getting back to you all.

I would like to get NRC's response to this specific allegation, however.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing. ...

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

Thanks,  
Steve

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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**S&P Global**

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**Harrington, Holly**

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**From:** Castelveter, David  
**Sent:** Tuesday, December 19, 2017 7:48 PM  
**To:** Mitlyng, Viktoria; Harrington, Holly  
**Cc:** Chandrathil, Prema; McIntyre, David  
**Subject:** Re: BGA STORY TO RUN TOMORROW

Just heard same from NEI. Thanks.

David A. Castelveter  
Director of Public Affairs  
Nuclear Regulatory Commission  
301-415-8200

---

On: 19 December 2017 17:54, "Mitlyng, Viktoria" <[Viktoria.Mitlyng@nrc.gov](mailto:Viktoria.Mitlyng@nrc.gov)> wrote:

I just got word from the BGA that their story on internal dissent at the NRC will run tomorrow, with AP running a summary piece.

Vika

*Viktoria Mitlyng*  
Senior Public Affairs Officer

US Nuclear Regulatory Commission  
Region 3  
Tel 630-829-9662 (office)  
Tel  (cell)

(b)(6)

**From:** Yerokun, Jimi  
**Sent:** 16 Nov 2017 16:24:57 -0600  
**To:** Screnci, Diane;Sheehan, Neil  
**Cc:** Welling, Blake  
**Subject:** Fwd: FW: Better Government Association (BGA) Article on Nuclear Power

FYI

----- Original Message -----

**From:** "Shuaibi, Mohammed" <Mohammed.Shuaibi@nrc.gov>  
**Date:** Thu, November 16, 2017 5:01 PM -0500  
**To:** "Miller, Chris" <Chris.Miller@nrc.gov>, "King, Michael" <Michael.King2@nrc.gov>, "Veigel, Anton" <Anton.Veigel@nrc.gov>, "Clark, Jeff" <Jeff.Clark@nrc.gov>, "Gody, Tony" <Tony.Gody@nrc.gov>, "Miller, Mark" <Mark.Miller@nrc.gov>, "Yerokun, Jimi" <Jimi.Yerokun@nrc.gov>, "Welling, Blake" <Blake.Welling@nrc.gov>, "Casto, Greg" <Greg.Casto@nrc.gov>, "Brock, Kathryn" <Kathryn.Brock@nrc.gov>, "Giitter, Joseph" <Joseph.Giitter@nrc.gov>, "Felts, Russell" <Russell.Felts@nrc.gov>, "Case, Michael" <Michael.Case@nrc.gov>, "Webber, Kimberly" <Kimberly.Webber@nrc.gov>, "Coffin, Stephanie" <Stephanie.Coffin@nrc.gov>, "Bailey, Marissa" <Marissa.Bailey@nrc.gov>  
**Subject:** FW: Better Government Association (BGA) Article on Nuclear Power

All....I sent the email below to folks here in the Region and wanted to make sure you were also aware.

**From:** Shuaibi, Mohammed  
**Sent:** Thursday, November 16, 2017 3:45 PM  
**To:** Sotiropoulos, Dina <Dina.Sotiropoulos@nrc.gov>; Mary Walsh (Mary.Walsh@nrc.gov) <Mary.Walsh@nrc.gov>; Kunowski, Michael <Michael.Kunowski@nrc.gov>; (Aaron.McCraw@nrc.gov) <Aaron.McCraw@nrc.gov>; (Patricia.Pelke@nrc.gov) <Patricia.Pelke@nrc.gov>; King, Michael <Michael.King@nrc.gov>; Jonsson, Dawn <Dawn.Jonsson@nrc.gov>; Lipa, Christine (Christine.Lipa@nrc.gov) <Christine.Lipa@nrc.gov>; Giessner, John (John.Giessner@nrc.gov) <John.Giessner@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio (Julio.Lara@nrc.gov) <Julio.Lara@nrc.gov>; Louden, Patrick (Patrick.Louden@nrc.gov) <Patrick.Louden@nrc.gov>; Skokowski, Richard (Richard.Skokowski@nrc.gov) <Richard.Skokowski@nrc.gov>; OBrien, Kenneth (Kenneth.OBrien@nrc.gov) <Kenneth.OBrien@nrc.gov>; Pederson, Cynthia (Cynthia.Pederson@nrc.gov) <Cynthia.Pederson@nrc.gov>; Peterson, Hironori (Hironori.Peterson@nrc.gov) <Hironori.Peterson@nrc.gov>; Orth, Steven (Steven.Orth@nrc.gov) <Steven.Orth@nrc.gov>; Daley, Robert (Robert.Daley@nrc.gov) <Robert.Daley@nrc.gov>; Hills, David (David.Hills@nrc.gov) <David.Hills@nrc.gov>; Jeffers, Mark <Mark.Jeffers@nrc.gov>; (Robert.Orlikowski@nrc.gov) <Robert.Orlikowski@nrc.gov>; Riemer, Kenneth (Kenneth.Riemer@nrc.gov) <Kenneth.Riemer@nrc.gov>; Duncan, Eric (Eric.Duncan@nrc.gov) <Eric.Duncan@nrc.gov>; Dickson, Billy (Billy.Dickson@nrc.gov) <Billy.Dickson@nrc.gov>; Kozak, Laura (Laura.Kozak@nrc.gov) <Laura.Kozak@nrc.gov>; Cameron, Jamnes (Jamnes.Cameron@nrc.gov) <Jamnes.Cameron@nrc.gov>; Stone, AnnMarie

<AnnMarie.Stone@nrc.gov>

Cc: Heck, Jared (Jared.Heck@nrc.gov) <Jared.Heck@nrc.gov>; Mitlyng, Viktoria  
<Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema (Prema.Chandrathil@nrc.gov)  
<Prema.Chandrathil@nrc.gov>

**Subject:** Better Government Association (BGA) Article on Nuclear Power

All,

OPA has heard from the Better Government Association (BGA) that BGA intends to publish an article on government oversight of nuclear power plants in Illinois. They indicated that the story will run tomorrow. What we heard is that they plan to post the article on their website ([www.bettergov.org](http://www.bettergov.org)) with the intent that other media outlets will pick it up from there. BGA has communicated that the focus of this article will be on ground water contamination (e.g., tritium releases) and the lack of/inadequate response from state and federal agencies (including specifically the NRC). We have also received the same information from Exelon through resident offices.

OPA (Vika and Prema) have been involved in many requests from the BGA on this effort, as the effort by BGA has been ongoing for quite some time. In addition to Vika and Prema, several Region III staff and others in HQ have also been involved in responding to questions that have come in from the BGA through OPA (mainly Vika and Prema). In addition, there have been several FOIA requests by BGA related to this effort.

In anticipation of BGA running such a story, we have decided that OPA (Vika and Prema), Jared, and I will meet in the mornings, going forward, to review information posted by BGA or other media outlets on this topic so that we can decide if and how to best respond. We have also reached out to John Cassidy and may reach out to others if needed to review any information we find.

Please be mindful of this issue and forward any information requests or concerns to Vika and Prema. We'd like to continue to engage through OPA to ensure that the appropriate expertise are involved in any responses.

Thanks and we'll keep you posted as things progress,  
Mohammed

**THE REGISTER CITIZEN**<http://www.registercitizen.com/business/article/Nuclear-regulator-downplays-safety-warnings-12443848.php>

## Nuclear regulator downplays safety warnings

Updated 7:08 am, Wednesday, December 20, 2017



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**IMAGE 1 OF 2**

This Sept. 1, 2017, frame grab taken from video provided by the Better Government Association shows Exelon's Byron Generating Station in Ogle County, Ill. A former Nuclear Regulatory Commission engineer warns ... [more](#)

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The federal agency responsible for safety at the nation's 61 nuclear power plants routinely downplays warnings from plant workers and its own experts about problems, including some with potential for disaster, a Better Government Association investigation found.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing.

NRC officials also overruled recommendations from their own technical experts on how to protect plants from potential catastrophe spurred by floods, equipment failures,

power outages and other problems.

—

This article was provided to The Associated Press by the nonprofit news outlet Better Government Association.

Interviews with more than 20 current and former NRC and nuclear plant employees reveal a pattern of top officials dismissing safety warnings rather than impose costly fixes on plant operators. Some said careers suffered as potential threats were never fully addressed.

"It's the NRC's longstanding practice to consistently declare the plants are safe and to avoid directly answering any questions that might suggest otherwise," said Lawrence Criscione, an NRC risk analyst.

NRC officials would not consent to an interview. But NRC spokeswoman Viktoria Mitlyng responded in writing to BGA questions.

"All U.S. nuclear power plants have multiple appropriate procedures and resources in place to maintain key safety functions if severe events" occur, Mitlyng said. "These conclusions are based on extensive agency reviews and inspections."

In 2012, Criscione shared with Congress a letter raising doubts over adequacy of flood protections at Duke Energy's Oconee Nuclear Station in South Carolina and other plants built decades ago near dams.

Soon after, Criscione said, he was accused by the NRC inspector general of compromising confidential information, interrogated by armed agents and saw his case referred to federal prosecutors. They opted not to act, and he remains on the job.

Internal NRC surveys underscore a climate of fear among employees. A report on a 2015 questionnaire of NRC employees stated most felt "if you disagree with your manager it can, and most likely will, affect your career path and advancement."

Records and interviews also show that:

– In 2016, NRC brass overturned a proposed safety analysis for the Byron and Braidwood nuclear plants in Illinois after multiple appeals by Exelon, the Chicago-based owner of the facilities and the nation's largest nuclear operator.

The action undid an order issued after agency technical staff concluded Exelon did not prove critical pressure-relieving valve systems were safe to use in an emergency. The same problem may exist at other nuclear plants, said one of the NRC engineers who ordered the safety testing.

– Also in 2016, seven NRC electrical engineers publicly urged the agency to order an immediate fix or a complete shutdown of most U.S. nuclear plants after discovering a problem with an emergency power system at the Byron plant that was common to other nuclear facilities as well.

Exelon quickly addressed the problem at its plants, but the NRC acceded to a request from other U.S. operators to give them an additional two years to devise a fix.

– Separately, the NRC took only two months to reject a staff petition in March 2017 urging the agency to reverse a decision allowing Arizona Public Service Co.'s Palo Verde nuclear plant near Phoenix to operate even though an agency expert said it lacked sufficient emergency backup power to run safely.

Complaints from plant whistleblowers raised issues ranging from security problems to inadequate radiation monitoring.

– The U.S. Department of Labor ordered the Palisades nuclear plant near South Haven, Michigan, to rehire veteran security guard Chris Mikusko who claimed he was laid off in retaliation for pointing out security problems. Mikusko filed a similar whistleblower complaint with the NRC, which rejected his allegations as unsubstantiated.

– NRC investigators concluded supervisors at Exelon's shuttered Zion plant in Illinois had "greatly exaggerated" claims of disruptive behavior they had used to discipline Marilyn Lingle, hired to help dismantle the facility. Yet the agency rejected these findings and declined to discipline Lingle's managers.

The nuclear industry, through its trade group and individual companies, often downplays the seriousness of problems highlighted by NRC experts. Exelon and others

in the industry bat down potential rules and regulations by pleading to NRC's top managers.

"Safety is the highest priority for both Exelon Generation and the NRC," spokesman David Tillman said in a statement. "We are equally committed to protecting our people and our communities and to suggest otherwise is a disservice to the authority of the NRC and our shared commitment to public health and safety."

The problem, say people who conduct government reviews, is that the NRC's final rulings often don't reflect warnings from its experts.

"Management tells you where they want the answer to go. If you push, you're not going to get promoted again — there are other people who are willing to say it's not a serious issue," said Richard Perkins, one of Criscione's NRC colleagues involved in exposing flooding concerns.

One case in point is the emergency safety valve issue at Exelon's Byron and Braidwood plants.

After Exelon moved in 2013 to increase power, NRC experts concluded the plants' pressure valves to relieve water in an emergency would stick open and allow cooling water to escape and not do its function to cool the reactor. They ordered Exelon to prove the valves would work, but the company blocked that with a successful appeal to the NRC's executive director.

Exelon says the valves work fine. But Samuel Miranda, an NRC expert who disagreed, said the company and NRC were rolling the dice on valves because it risks melting the reactor.

He said dozens of other U.S. nuclear plants are equipped with similarly problematic equipment.

"They either won't close or they will leak," Miranda said. "That will relieve about a million pounds per hour. It's a hole in the system. Now you're losing water that you need to cool the core."

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

The largest number of complaints, 84, were filed by employees at the two nuclear plants operated in Georgia by Southern Nuclear, records show. Next were the 70 complaints lodged by nuclear workers in South Carolina, 58 by workers in Tennessee and 50 in California. Illinois ranked 12th, with 21 whistleblower cases filed.

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Online: [www.bettergov.org](http://www.bettergov.org)

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**H E A R S T**

Note to Requester:  
<http://r1.nrc.gov/headlines/NRCDownplay.12-20-2017.pdf>  
links to the "Register Citizen" article on the previous  
pages.

**From:** Sheehan, Neil  
**Sent:** 20 Dec 2017 13:18:06 +0000  
**To:** Yerokun, Jimi;Lorson, Raymond;Pelton, David;Trapp, James;Nick, Joseph;Lew, David;Collins, Daniel  
**Cc:** Bickett, Brice;Screnci, Diane;Klukan, Brett;Tift, Doug;Greives, Jonathan  
**Subject:** RE: BGA update

Here's the second installment: <http://r1.nrc.gov/headlines/NRCDownplay.12-20-2017.pdf> .

**From:** Sheehan, Neil  
**Sent:** Thursday, December 14, 2017 1:37 PM  
**To:** Yerokun, Jimi <Jimi.Yerokun@nrc.gov>; Lorson, Raymond <Raymond.Lorson@nrc.gov>; Pelton, David <David.Pelton@nrc.gov>; Trapp, James <James.Trapp@nrc.gov>; Nick, Joseph <Joseph.Nick@nrc.gov>; Lew, David <David.Lew@nrc.gov>; Collins, Daniel <Daniel.Collins@nrc.gov>  
**Cc:** Bickett, Brice <Brice.Bickett@nrc.gov>; Screnci, Diane <Diane.Screnci@nrc.gov>; Klukan, Brett <Brett.Klukan@nrc.gov>; Tift, Doug <Doug.Tift@nrc.gov>; Greives, Jonathan <Jonathan.Greives@nrc.gov>  
**Subject:** RE: BGA update

During our weekly Office of Public Affairs conference call this morning, our Region III colleagues said there are expected to be three more stories on the way from BGA. The first is believed to deal with internal NRC "dissension", including DPOs; the second with the agency's handling of discrimination allegations, including the fact that only one was substantiated during the period of 2010-16; and the third a wrap-up of other loose ends.

As with the first story published by the group, these stories will be distributed by the Associated Press and therefore could appear in media outlets throughout the country that find them worth publishing. Outlets in communities with reactors would, for obvious reasons, have the greatest interest.

**From:** Yerokun, Jimi  
**Sent:** Tuesday, December 12, 2017 4:50 PM  
**To:** Lorson, Raymond <Raymond.Lorson@nrc.gov>; Pelton, David <David.Pelton@nrc.gov>; Trapp, James <James.Trapp@nrc.gov>; Nick, Joseph <Joseph.Nick@nrc.gov>  
**Cc:** Bickett, Brice <Brice.Bickett@nrc.gov>; Screnci, Diane <Diane.Screnci@nrc.gov>; Klukan, Brett <Brett.Klukan@nrc.gov>; Sheehan, Neil <Neil.Sheehan@nrc.gov>; Tift, Doug <Doug.Tift@nrc.gov>; Greives, Jonathan <Jonathan.Greives@nrc.gov>  
**Subject:** FW: BGA update

FYI

Jimi T. Yerokun  
610 337-5128/ [redacted] (c)

(b)(6)

**From:** Shuaibi, Mohammed

**Sent:** Tuesday, December 12, 2017 3:49 PM

**To:** Miller, Chris <Chris.Miller@nrc.gov>; King, Michael <Michael.King2@nrc.gov>; Vegel, Anton <Anton.Vegel@nrc.gov>; Clark, Jeff <Jeff.Clark@nrc.gov>; Gody, Tony <Tony.Gody@nrc.gov>; Miller, Mark <Mark.Miller@nrc.gov>; Yerokun, Jimi <Jimi.Yerokun@nrc.gov>; Welling, Blake <Blake.Welling@nrc.gov>; Casto, Greg <Greg.Casto@nrc.gov>; Brock, Kathryn <Kathryn.Brock@nrc.gov>; Giitter, Joseph <Joseph.Giitter@nrc.gov>; Felts, Russell <Russell.Felts@nrc.gov>; Case, Michael <Michael.Case@nrc.gov>; Webber, Kimberly <Kimberly.Webber@nrc.gov>; Coffin, Stephanie <Stephanie.Coffin@nrc.gov>; Bailey, Marissa <Marissa.Bailey@nrc.gov>

**Subject:** FW: BGA update

All,

I sent the attached email to Region III management and I wanted to make sure you were aware.

Thanks,  
Mohammed

**From:** Shuaibi, Mohammed

**Sent:** Tuesday, December 12, 2017 2:47 PM

**To:** Sotiropoulos, Dina <Dina.Sotiropoulos@nrc.gov>; Mary Walsh (Mary.Walsh@nrc.gov) <Mary.Walsh@nrc.gov>; Kunowski, Michael <Michael.Kunowski@nrc.gov>; (Aaron.McCraw@nrc.gov) <Aaron.McCraw@nrc.gov>; (Patricia.Pelke@nrc.gov) <Patricia.Pelke@nrc.gov>; King, Michael <Michael.King@nrc.gov>; Jonsson, Dawn <Dawn.Jonsson@nrc.gov>; Lipa, Christine (Christine.Lipa@nrc.gov) <Christine.Lipa@nrc.gov>; Giessner, John (John.Giessner@nrc.gov) <John.Giessner@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio (Julio.Lara@nrc.gov) <Julio.Lara@nrc.gov>; Louden, Patrick (Patrick.Louden@nrc.gov) <Patrick.Louden@nrc.gov>; Skokowski, Richard (Richard.Skokowski@nrc.gov) <Richard.Skokowski@nrc.gov>; OBrien, Kenneth (Kenneth.OBrien@nrc.gov) <Kenneth.OBrien@nrc.gov>; Pederson, Cynthia (Cynthia.Pederson@nrc.gov) <Cynthia.Pederson@nrc.gov>; Peterson, Hironori (Hironori.Peterson@nrc.gov) <Hironori.Peterson@nrc.gov>; Orth, Steven (Steven.Orth@nrc.gov) <Steven.Orth@nrc.gov>; Daley, Robert (Robert.Daley@nrc.gov) <Robert.Daley@nrc.gov>; Hills, David (David.Hills@nrc.gov) <David.Hills@nrc.gov>; Jeffers, Mark <Mark.Jeffers@nrc.gov>; (Robert.Orlikowski@nrc.gov) <Robert.Orlikowski@nrc.gov>; Riemer, Kenneth (Kenneth.Riemer@nrc.gov) <Kenneth.Riemer@nrc.gov>; Duncan, Eric (Eric.Duncan@nrc.gov) <Eric.Duncan@nrc.gov>; Dickson, Billy (Billy.Dickson@nrc.gov) <Billy.Dickson@nrc.gov>; Kozak, Laura (Laura.Kozak@nrc.gov) <Laura.Kozak@nrc.gov>; Cameron, Jamnes (Jamnes.Cameron@nrc.gov) <Jamnes.Cameron@nrc.gov>; Stone, AnnMarie <AnnMarie.Stone@nrc.gov>

**Cc:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema (Prema.Chandrathil@nrc.gov) <Prema.Chandrathil@nrc.gov>; Heck, Jared (Jared.Heck@nrc.gov) <Jared.Heck@nrc.gov>

**Subject:** BGA update

All,

This email provides an update on the Better Government Association's (BGA's) activities and the stories they're planning to run.

Vika had a conversation with the BGA reporters and confirmed two or three stories that are in the works and which will likely run in the next couple of weeks.

Recall that the first story was run about a month ago and it was associated with tritium and ground water contamination (see attached email).

Vika has heard that the next story will likely focus on internal dissent in the NRC, specifically on differing views and associated processes. The story will likely include claims of inadequacies in the agency's safety culture, differing views processes, and other internal appeal vehicles. The major claim is likely to be that the NRC is not independent and acts under pressure from the industry. The story will likely cover experiences shared by NRC staff members.

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The exact timing of the stories isn't clear yet. We'll keep you posted as we get more information.

Please keep in mind, as stated in my earlier email on BGA, OPA (Vika and Prema) have been involved in many requests from the BGA on this effort, as the effort by BGA has been ongoing for quite some time. In addition to Vika and Prema, several Region III staff and others in HQ have also been involved in responding to questions that have come in from the BGA through OPA (mainly Vika and Prema). In addition, there have been several FOIA requests by BGA related to this effort. With this in mind, please forward any information requests or concerns on any of these topics to Vika and Prema. We'd like to continue to engage through OPA to ensure that the appropriate expertise are involved in any responses.

Thanks,  
Mohammed

**From:** Lew, David  
**Sent:** 16 Dec 2017 09:31:15 -0500  
**To:** Sheehan, Neil  
**Subject:** RE: BGA update

Thanks Neil

**From:** Sheehan, Neil  
**Sent:** Thursday, December 14, 2017 1:37 PM  
**To:** Yerokun, Jimi <Jimi.Yerokun@nrc.gov>; Lorson, Raymond <Raymond.Lorson@nrc.gov>; Pelton, David <David.Pelton@nrc.gov>; Trapp, James <James.Trapp@nrc.gov>; Nick, Joseph <Joseph.Nick@nrc.gov>; Lew, David <David.Lew@nrc.gov>; Collins, Daniel <Daniel.Collins@nrc.gov>  
**Cc:** Bickett, Brice <Brice.Bickett@nrc.gov>; Screnci, Diane <Diane.Screnci@nrc.gov>; Klukan, Brett <Brett.Klukan@nrc.gov>; Tifft, Doug <Doug.Tifft@nrc.gov>; Greives, Jonathan <Jonathan.Greives@nrc.gov>  
**Subject:** RE: BGA update

During our weekly Office of Public Affairs conference call this morning, our Region III colleagues said there are expected to be three more stories on the way from BGA. The first is believed to deal with internal NRC "dissension", including DPOs; the second with the agency's handling of discrimination allegations, including the fact that only one was substantiated during the period of 2010-16; and the third a wrap-up of other loose ends.

As with the first story published by the group, these stories will be distributed by the Associated Press and therefore could appear in media outlets throughout the country that find them worth publishing. Outlets in communities with reactors would, for obvious reasons, have the greatest interest.

**From:** Yerokun, Jimi  
**Sent:** Tuesday, December 12, 2017 4:50 PM  
**To:** Lorson, Raymond <Raymond.Lorson@nrc.gov>; Pelton, David <David.Pelton@nrc.gov>; Trapp, James <James.Trapp@nrc.gov>; Nick, Joseph <Joseph.Nick@nrc.gov>  
**Cc:** Bickett, Brice <Brice.Bickett@nrc.gov>; Screnci, Diane <Diane.Screnci@nrc.gov>; Klukan, Brett <Brett.Klukan@nrc.gov>; Sheehan, Neil <Neil.Sheehan@nrc.gov>; Tifft, Doug <Doug.Tifft@nrc.gov>; Greives, Jonathan <Jonathan.Greives@nrc.gov>  
**Subject:** FW: BGA update

FYI

Jimi T. Yerokun

(b)(6)

610 337-5128/[REDACTED] c)

**From:** Shuaibi, Mohammed  
**Sent:** Tuesday, December 12, 2017 3:49 PM  
**To:** Miller, Chris <Chris.Miller@nrc.gov>; King, Michael <Michael.King2@nrc.gov>; Vegel, Anton <Anton.Vegel@nrc.gov>; Clark, Jeff <Jeff.Clark@nrc.gov>; Gody, Tony <Tony.Gody@nrc.gov>; Miller, Mark <Mark.Miller@nrc.gov>; Yerokun, Jimi <Jimi.Yerokun@nrc.gov>; Welling, Blake

<Blake.Welling@nrc.gov>; Casto, Greg <Greg.Casto@nrc.gov>; Brock, Kathryn <Kathryn.Brock@nrc.gov>; Giitter, Joseph <Joseph.Giitter@nrc.gov>; Felts, Russell <Russell.Felts@nrc.gov>; Case, Michael <Michael.Case@nrc.gov>; Webber, Kimberly <Kimberly.Webber@nrc.gov>; Coffin, Stephanie <Stephanie.Coffin@nrc.gov>; Bailey, Marissa <Marissa.Bailey@nrc.gov>

**Subject:** FW: BGA update

All,

I sent the attached email to Region III management and I wanted to make sure you were aware.

Thanks,  
Mohammed

**From:** Shuaibi, Mohammed

**Sent:** Tuesday, December 12, 2017 2:47 PM

**To:** Sotiropoulos, Dina <Dina.Sotiropoulos@nrc.gov>; Mary Walsh (Mary.Walsh@nrc.gov) <Mary.Walsh@nrc.gov>; Kunowski, Michael <Michael.Kunowski@nrc.gov>; (Aaron.McCraw@nrc.gov) <Aaron.McCraw@nrc.gov>; (Patricia.Pelke@nrc.gov) <Patricia.Pelke@nrc.gov>; King, Michael <Michael.King@nrc.gov>; Jonsson, Dawn <Dawn.Jonsson@nrc.gov>; Lipa, Christine (Christine.Lipa@nrc.gov) <Christine.Lipa@nrc.gov>; Giessner, John (John.Giessner@nrc.gov) <John.Giessner@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio (Julio.Lara@nrc.gov) <Julio.Lara@nrc.gov>; Louden, Patrick (Patrick.Louden@nrc.gov) <Patrick.Louden@nrc.gov>; Skokowski, Richard (Richard.Skokowski@nrc.gov) <Richard.Skokowski@nrc.gov>; OBrien, Kenneth (Kenneth.OBrien@nrc.gov) <Kenneth.OBrien@nrc.gov>; Pederson, Cynthia (Cynthia.Pederson@nrc.gov) <Cynthia.Pederson@nrc.gov>; Peterson, Hironori (Hironori.Peterson@nrc.gov) <Hironori.Peterson@nrc.gov>; Orth, Steven (Steven.Orth@nrc.gov) <Steven.Orth@nrc.gov>; Daley, Robert (Robert.Daley@nrc.gov) <Robert.Daley@nrc.gov>; Hills, David (David.Hills@nrc.gov) <David.Hills@nrc.gov>; Jeffers, Mark <Mark.Jeffers@nrc.gov>; (Robert.Orlikowski@nrc.gov) <Robert.Orlikowski@nrc.gov>; Riemer, Kenneth (Kenneth.Riemer@nrc.gov) <Kenneth.Riemer@nrc.gov>; Duncan, Eric (Eric.Duncan@nrc.gov) <Eric.Duncan@nrc.gov>; Dickson, Billy (Billy.Dickson@nrc.gov) <Billy.Dickson@nrc.gov>; Kozak, Laura (Laura.Kozak@nrc.gov) <Laura.Kozak@nrc.gov>; Cameron, Jamnes (Jamnes.Cameron@nrc.gov) <Jamnes.Cameron@nrc.gov>; Stone, AnnMarie <AnnMarie.Stone@nrc.gov>

**Cc:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema (Prema.Chandrathil@nrc.gov) <Prema.Chandrathil@nrc.gov>; Heck, Jared (Jared.Heck@nrc.gov) <Jared.Heck@nrc.gov>

**Subject:** BGA update

All,

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Vika had a conversation with the BGA reporters and confirmed two or three stories that are in the works and which will likely run in the next couple of weeks.

Recall that the first story was run about a month ago and it was associated with tritium and ground water contamination (see attached email).

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Thanks,  
Mohammed

**From:** Pederson, Cynthia  
**Sent:** 20 Dec 2017 07:33:05 -0600  
**To:** Heller, James;Pelke, Paul;Lambert, Kenneth;Skokowski, Richard  
**Cc:** West, Steven;O'Brien, Kenneth;Langan, Scott;Heck, Jared;Mitlyng, Viktoria;Shuaibi, Mohammed  
**Subject:** FW: BGA STORY

I didn't see EICS on dist. Sorry if you are getting duplicates

EICS, please review for potential allegations

**From:** Mitlyng, Viktoria  
**Sent:** Wednesday, December 20, 2017 6:26 AM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Duncan, Eric <Eric.Duncan@nrc.gov>  
**Cc:** prema.chanrathil@nrc.gov; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Harral <Harral.Logaras@nrc.gov>; Barker, Allan <Allan.Barker@nrc.gov>; Wolf, Carolyn <Carolyn.Wolf@nrc.gov>  
**Subject:** BGA STORY

Link to the story:

<https://projects.bettergov.org/power-struggle/warnings.html>

***Viktoria Mitlyng***  
Senior Public Affairs Officer

US Nuclear Regulatory Commission  
Region 3  
Tel 630-829-9662 (office)  
Tel  (cell)

(b)(6)

**From:** Mitlyng, Viktoria  
**Sent:** 12 Dec 2017 21:35:26 +0000  
**To:** Solorio, Dave  
**Subject:** FW: BGA update  
**Attachments:** Better Government Association (BGA) Article on Nuclear Power

Dave,

Please see the internal Region III email below with an update related to the BGA stories. I have bolded the paragraph about the anticipated story on discrimination allegations.

-Vika

**From:** Shuaibi, Mohammed

**Sent:** Tuesday, December 12, 2017 2:47 PM

**To:** Sotiropoulos, Dina ; Walsh, Mary ; Kunowski, Michael ; McCraw, Aaron ; Pelke, Patricia ; King, Michael ; Jonsson, Dawn ; Lipa, Christine ; Giessner, John ; Stoedter, Karla ; Lara, Julio ; Loudon, Patrick ; Skokowski, Richard ; O'Brien, Kenneth ; Pederson, Cynthia ; Peterson, Hironori ; Orth, Steven ; Daley, Robert ; Hills, David ; Jeffers, Mark ; Orlikowski, Robert ; Riemer, Kenneth ; Duncan, Eric ; Dickson, Billy ; Kozak, Laura ; Cameron, Jamnes ; Stone, AnnMarie

**Cc:** Mitlyng, Viktoria ; Chandrathil, Prema ; Heck, Jared

**Subject:** BGA update

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any of these topics to Vika and Prema. Weâ€™d like to continue to engage through OPA to ensure that the appropriate expertise are involved in any responses.

Thanks,  
Mohammed

**From:** McIntyre, David  
**Sent:** 20 Dec 2017 19:46:47 +0000  
**To:** Mitlyng, Viktoria;Chandrathil, Prema  
**Subject:** FW: RE: RE: AP-BGA story on NRC

Sorry, forgot to cc you. These numbers don't account for 32 cases (368-101=267 but only 235 case files opened). OE said to ask Region 3. Do you remember these?

**From:** McIntyre, David  
**Sent:** Wednesday, December 20, 2017 2:45 PM  
**To:** Castelveter, David <David.Castelveter@nrc.gov>  
**Subject:** RE: RE: RE: AP-BGA story on NRC

Per the Office of Enforcement, of the 686 allegations of discrimination received in that time period, 368 met the initial prima facie screening criteria. Of those, 101 were resolved through Alternative Dispute Resolution and removed from the system. Of the rest, the Office of Investigations opened case files on 235, and found substantiation of discrimination in 1 case. This finding was overruled by the Office of General Counsel. So the final answer is ZERO.

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 1:56 PM  
**To:** McIntyre, David <David.McIntyre@nrc.gov>  
**Subject:** FW: RE: RE: AP-BGA story on NRC

Dave, I have a 2 p.m. and then the 3 p.m. AMM. Are you able to respond to Steve?

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)  
[REDACTED] (C)  
[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

(b)(6)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:46 PM  
**To:** Castelveter, David <David.Castelveter@nrc.gov>  
**Subject:** [External\_Sender] RE: RE: AP-BGA story on NRC

OK, thanks David. But is the story correct that \*none\* of nearly 700 allegations of retaliation filed since 2010 have been substantiated? (I did read the explanation of 'substantiated' below).

If that's correct, it's not a "relatively low number of discrimination allegations ultimately substantiated by the NRC," it's zero. Although I guess technically speaking, "zero" is "a relatively low number."

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:33 PM  
**To:** Dolley, Steven  
**Subject:** RE: RE: AP-BGA story on NRC

Steve, I know this is a lot, but it might be helpful for you to read this from top to bottom. Also, I believe NEI might have a statement, Might want to check with them.

The NRC Position on Discrimination Allegations [see below] addresses the question about the number of discrimination allegation cases that are ultimately substantiated. With respect to the specific case in Illinois, subsequent to the NRC's initial prima facie finding, the agency review of Allegation No: RIII-2010-A-0081 – including the investigation report and the subsequent review by the agency's legal, enforcement and technical staff – led to the NRC staff's ultimate conclusion that the individual did not engage in activity protected by Section 211 of the Energy Reorganization Act of 1974. Specifically, the NRC staff determined that the concerns raised by the individual in this case were not related to a nuclear safety issue.

NRC regulations prohibit discriminating against an employee for raising safety concerns. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Retaliation by employers against workers who report safety concerns can also create a "chilling effect" that discourages workers from raising other safety issues. If this happens, a valuable source of information for improving safety is potentially diminished or lost.

The primary reason for the relatively low number of discrimination allegations ultimately substantiated by the NRC is that the threshold for taking in discrimination allegations for more detailed evaluation is very low, while the bar for the burden of proof to conclude that a licensee violated federal requirements for whistleblowing is

significantly higher. It is also important to note that a significant number of discrimination cases get resolved through the NRC's Alternative Dispute Resolution (ADR) Program, which does not require proof that discrimination occurred. In fact, of the allegations of discrimination received from 2010 – 2016 from sources external to the NRC at operating and non-operating nuclear power plants, more than 25 percent were resolved via the Alternative Dispute Resolution Process. Because these cases were settled, there was no need for the Office of Investigations to determine if the allegations were substantiated.

Additional information regarding ADR cases and their success are located on our website [here](#).

When an individual comes to the NRC and claims to have been subject to an adverse action from an NRC licensee because they were involved in a protected activity (*i.e.*, raising a concern related to plant safety or security), the NRC will enter a discrimination allegation into its review process.

For the case to meet the "prima facie" determination, further agency review of the allegation must conclude, among other things, that there is a likelihood of a causal tie between the protected activity and the adverse action. Again, the threshold to make the initial determination that such a tie is possible is rather low.

When a "prima facie" determination is met, the alleger and the licensee are offered an opportunity to engage in an Alternative Dispute Resolution (ADR) process. If ADR is successful, the complaint is considered resolved, and there is no requirement to investigate or substantiate the allegation further.

The NRC's Office of Investigations will proceed with a formal investigation in two instances: If the alleger declines ADR and requests an investigation, or if ADR fails to result in a settlement.

At this point, the NRC begins the rigorous process of investigating the allegation and identifying the facts of the case. OI pursues its investigation through interviews recorded under oath, reviews of records and other actions, always looking for evidence for each "prima facie" finding. When the investigation concludes, OI issues an investigation report that identifies the facts substantiated during the investigation. If OI believes that a violation of NRC's employee protection regulations may have occurred, OI works with NRC's legal, enforcement and technical staff to evaluate the sufficiency of the evidence to support a potential NRC enforcement action (see [NRC Enforcement Manual](#), Part II, 1.3.4). Sometimes, if the evidence does not sufficiently establish that a violation more likely than not occurred, the agency's final conclusion will be to decline any enforcement action.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6) [redacted] (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:18 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] RE: AP-BGA story on NRC

Since 2010

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005

T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)

[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

---

**From:** Dolley, Steven  
**Sent:** Wednesday, December 20, 2017 1:17 PM  
**To:** 'Castelveter, David'  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Thanks David. Yes, it's a real grab bag of years and years of wideranging allegations. I'm not sure where the group is coming from or why they decided to lump them all together as a broadside.

In the short term, I'm most interested in NRC's response to the claim that it upheld zero out of almost 700 whistleblower allegations of retaliation (over what time period? Not clear from the story).

**Steven Dolley**  
**Managing Editor, Inside NRC**

1200 G Street, NW, Suite 1000, Washington, DC, 20005

T +1.202.383.2166

[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)

[www.spglobal.com/platts](http://www.spglobal.com/platts)

## S&P Global

---

**From:** Castelveter, David [<mailto:David.Castelveter@nrc.gov>]  
**Sent:** Wednesday, December 20, 2017 1:15 PM  
**To:** Dolley, Steven  
**Cc:** McIntyre, David; OPA Resource  
**Subject:** RE: AP-BGA story on NRC

Steve, there is so much in here, I would not know where to being. I will send something, however.

David A. Castelveter  
Office Director  
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Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)  
[www.nrc.gov](http://www.nrc.gov)

(b)(6)

**From:** Dolley, Steven [<mailto:steven.dolley@spglobal.com>]  
**Sent:** Wednesday, December 20, 2017 1:03 PM  
**To:** Castelveter, David <[David.Castelveter@nrc.gov](mailto:David.Castelveter@nrc.gov)>  
**Cc:** McIntyre, David <[David.McIntyre@nrc.gov](mailto:David.McIntyre@nrc.gov)>; OPA Resource <[OPA.Resource@nrc.gov](mailto:OPA.Resource@nrc.gov)>  
**Subject:** [External\_Sender] AP-BGA story on NRC

Hi David,

Will the agency be issuing a response to this story? Looks like a whole lot of widely varying allegations lumped together, most of which I'd heard about, some I hadn't.

<https://www.cbsnews.com/news/nuclear-regulatory-commission-downplays-safety-warnings-investigation-finds/>

At this point I don't plan to write on this for INRC tomorrow, but will be looking into it and getting back to you all.

I would like to get NRC's response to this specific allegation, however.

Employees from U.S. nuclear power plants filed nearly 700 complaints with the United States Nuclear Regulatory Commission in recent years, claiming retaliation for raising safety concerns, records show. The agency found no wrongdoing. ...

Underscoring that frustration is the NRC's record of handling whistleblower complaints lodged by plant employees. From 2010 through 2016, workers filed 687 complaints. The NRC investigated just 235 and upheld none.

Thanks,  
Steve

**Steven Dolley**  
Managing Editor, Inside NRC

1200 G Street, NW, Suite 1000, Washington, DC, 20005  
T +1.202.383.2166  
[steven.dolley@spglobal.com](mailto:steven.dolley@spglobal.com)  
[www.spglobal.com/platts](http://www.spglobal.com/platts)

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Google+](#) | [YouTube](#)

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## S&P Global

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**From:** Mitlyng, Viktoria  
**Sent:** 16 Nov 2017 21:26:21 +0000  
**To:** Castelveter, David  
**Cc:** McIntyre, David; Chandrathil, Prema  
**Subject:** R3 TNT

Note to Requester: The  
"The Better Government  
Association" hyperlink goes  
to <http://www.bettergov.org/>.

ILLINOIS PLANTS - The Better Government Association, a Chicago-based non-profit organization focused on government corruption and reform with an investigative reporting arm, plans to run the first in a series of stories focusing on the NRC's oversight of nuclear plants tomorrow morning. The BGA told us the AP plans to pick up this story, which will focus on effluent releases from Illinois plants. OPA R3 has been responding to multiple inquiries from the BGA on a wide range of issues for over 10 months.

Note to Requester: The "story" hyperlink goes to <https://projects.bettergov.org/power-struggle/whistleblowers.html>. The "another story" hyperlink goes to <https://projects.bettergov.org/power-struggle/warnings.html>.

**From:** Mitlyng, Viktoria  
**Sent:** 20 Dec 2017 21:38:11 +0000  
**To:** Castelveter, David;Harrington, Holly  
**Cc:** Chandrathil, Prema  
**Subject:** R3 TNT

THE BETTER GOVERNMENT ASSOCIATION - OPA Region III participated in a recorded interview with the Chicago's WBBM news radio station, providing comment on today's story by the Chicago-based BGA on the NRC's handling of discrimination allegations. We told the reporter that retaliation against nuclear workers for raising safety concerns by their employers is illegal and unacceptable to the NRC. We explained that the Agency's threshold for accepting discrimination allegations is very low while the bar to prove that a company violated federal law protecting nuclear workers is very high. The BGA published another story today which looks at internal dissent and safety culture concerns inside the agency. *The Associated Press* put out a summary piece which has been picked by a number of media outlets.

**From:** Shuaibi, Mohammed  
**Sent:** 17 Nov 2017 07:37:25 -0500  
**To:** Pederson, Cynthia  
**Cc:** Mitlyng, Viktoria  
**Subject:** Re: Better Government Association (BGA) Article on Nuclear Power

Cindy...the article has posted...at 6:00 this morning. I'm in touch with Vika, reading the article to assess recommended response. Will keep you posted.

---

On: 16 November 2017 19:15, "Pederson, Cynthia" wrote:

Thanks Mo

---

On: 16 November 2017 16:45, "Shuaibi, Mohammed" <[Mohammed.Shuaibi@nrc.gov](mailto:Mohammed.Shuaibi@nrc.gov)> wrote:

All,

OPA has heard from the Better Government Association (BGA) that BGA intends to publish an article on government oversight of nuclear power plants in Illinois. They indicated that the story will run tomorrow. What we heard is that they plan to post the article on their website ([www.bettergov.org](http://www.bettergov.org)) with the intent that other media outlets will pick it up from there. BGA has communicated that the focus of this article will be on ground water contamination (e.g., tritium releases) and the lack of/inadequate response from state and federal agencies (including specifically the NRC). We have also received the same information from Exelon through resident offices.

OPA (Vika and Prema) have been involved in many requests from the BGA on this effort, as the effort by BGA has been ongoing for quite some time. In addition to Vika and Prema, several Region III staff and others in HQ have also been involved in responding to questions that have come in from the BGA through OPA (mainly Vika and Prema). In addition, there have been several FOIA requests by BGA related to this effort.

In anticipation of BGA running such a story, we have decided that OPA (Vika and Prema), Jared, and I will meet in the mornings, going forward, to review information posted by BGA or other media outlets on this topic so that we can decide if and how to best respond. We have also reached out to John Cassidy and may reach out to others if needed to review any information we find.

Please be mindful of this issue and forward any information requests or concerns to Vika and Prema. We'd like to continue to engage through OPA to ensure that the appropriate expertise are involved in any responses.

Thanks and we'll keep you posted as things progress,  
Mohammed

**From:** West, Steven  
**Sent:** 20 Dec 2017 23:07:31 +0000  
**To:** Pederson, Cynthia;Shuaibi, Mohammed;O'Brien, Kenneth  
**Cc:** Mitlyng, Viktoria;Chandrathil, Prema;Heck, Jared;Logaras, Harral;Edwards, Rhex  
**Subject:** RE: BGA STORIES

Mohammed,

I agree with Cindy. Since your email is rather lengthy, I also suggest that you add a new introductory paragraph that says something like: "The purpose of this email is to inform you about two recent articles about NRC and to encourage you to refer any external inquiries to Vika or Prema." I'd also drop "As mentioned in the 8:15 meeting."

Nice work!

Steve

---

**From:** Pederson, Cynthia  
**Sent:** Wednesday, December 20, 2017 4:54 PM  
**To:** Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>  
**Cc:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema <Prema.Chandrathil@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Harral <Harral.Logaras@nrc.gov>; Edwards, Rhex <Rhex.Edwards@nrc.gov>  
**Subject:** RE: BGA STORIES

Good email. My only suggestion is to underline or bold the keys aspects in last paragraph on contacting Vika/Prema for emphasis.

Thanks.

---

**From:** Shuaibi, Mohammed  
**Sent:** Wednesday, December 20, 2017 4:13 PM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>  
**Cc:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema <Prema.Chandrathil@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Harral <Harral.Logaras@nrc.gov>; Edwards, Rhex <Rhex.Edwards@nrc.gov>  
**Subject:** BGA STORIES

Cindy, Steve, Ken,

Here's a draft of the email I'd like to send to Region III. Please let me know if you think we missed anything of significance from this morning's meeting. I could send out first thing in the morning.

Thanks,  
Mohammed

---

All,

As was mentioned at the 8:15 meeting, the Better Government Association (BGA) has posted two articles related to NRC. The first is titled "Nuclear Regulator Downplays Safety Warnings" and the second is titled "Nobody Really Cares". The first one focuses on internal disagreements within the NRC and claims that staff is silenced in favor of industry. The second focuses on allegations of discrimination by plant employees and says that of nearly 700 complaints, the NRC upheld none. The articles cover items crossing different regions with plants in Region II, III, and IV mentioned. For example, for Region III there is mention of items associated with Dresden and Quad Cities on flooding and Palisades and Zion on retaliation for raising concerns. A link to the articles is provided below for convenience.

<https://projects.bettergov.org/power-struggle/warnings.html>

<https://projects.bettergov.org/power-struggle/whistleblowers.html>

The Agency has been engaged in answering BGA questions for quite some time on matters referenced in these articles (and the previous article on tritium and ground water contamination), including several FOIA requests. One of the FOIAs requested some information about the work histories and qualifications of NRC inspectors who have been assigned to oversee Exelon plants in recent years. I'm glad to say that the BGA's stories do not take aim at our inspectors or their qualifications.

Although the stories are not critical of our inspectors, they are critical of other matters. OPA has taken the lead and has been engaged since the beginning of year on those matters. Here in Region III, Vika and Prema have taken the lead with support from several staff as the questions were extensive and covered different technical areas of expertise. Similarly, for broader Agency items, David McIntyre has been the OPA point of contact. At a very high level, Agency communications have emphasized:

- Our philosophy that diversity of views/differing views is an important part of our decision making process, as it results in better vetting of issues and better decisions. An explanation of our differing views process was also provided.
- Retaliation against nuclear workers for raising safety concerns by their employers is illegal and unacceptable to the NRC. The NRC invests significant resources to review all discrimination allegations, involving NRC staff with technical, legal, and investigatory expertise. For those cases that do not settle and are fully investigated, independent NRC investigators exhaustively interview plant personnel, review pertinent records, and analyze evidence to determine whether the agency can prove a company violated federal law. The NRC has a very low threshold for accepting discrimination allegations so that workers are able to easily bring them to the agency for review.
- NRC's commitment to fulfill our important safety and security mission, while continuing to nurture an environment that reflects the characteristics of a strong safety culture in which people feel free to speak up without fear of reprisal, knowing they will be heard, understood and respected. As a learning organization, we acknowledge when issues within our own organization are raised and take steps to address them.

As these articles may get more press and as questions come in related to the items raised, we wanted to make sure you knew that Vika and Prema will take the lead for Region III specific items. Should you get any inquiries related to Region III, please make sure that Vika and

Prema are informed. Because of their extensive engagement with BGA already, you may want to point any inquiries to them to make sure that appropriate continuity on the topics is maintained. With regard to Agency broader topics, David McIntyre of OPA in Headquarters has the lead. If you get any inquiries related to Agency broader topics, Vika and Prema can take those to David McIntyre to ensure continuity on that front as well as coordination with items they're dealing with related to Region III. In addition, I have been serving in the role of overall management lead to coordinate Region III response and Jared Heck has also been on the team to provide guidance and advice. Please feel free to contact any of us if you need assistance or have any questions.

Thanks,  
Mohammed

**From:** McIntyre, David  
**Sent:** 20 Dec 2017 19:00:15 +0000  
**To:** Castelveter, David  
**Cc:** Mitlyng, Viktoria; Chandrathil, Prema  
**Subject:** RE: BGA STORY

We went back and forth with them and OE and OI, so there's no reason to dispute the numbers. Vika perhaps can chime in on her work on that question.

**From:** Castelveter, David  
**Sent:** Wednesday, December 20, 2017 1:58 PM  
**To:** Johnson, Michael <Michael.Johnson@nrc.gov>; Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; McCree, Victor <Victor.McCree@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>; McIntyre, David <David.McIntyre@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Loudon, Patrick <Patrick.Loudon@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>  
**Subject:** RE: BGA STORY

We have received a similar inquiry from Platts and if the "0" reference is accurate.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

[REDACTED] (C)

[david.castelveter@nrc.gov](mailto:david.castelveter@nrc.gov)

[www.nrc.gov](http://www.nrc.gov)

**From:** Johnson, Michael  
**Sent:** Wednesday, December 20, 2017 1:41 PM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; McCree, Victor <Victor.McCree@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Loudon, Patrick <Patrick.Loudon@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>  
**Subject:** RE: BGA STORY

Any idea whether the numbers provided in the article are accurate?

Mike

**From:** Pederson, Cynthia  
**Sent:** Wednesday, December 20, 2017 8:16 AM  
**To:** Johnson, Michael <Michael.Johnson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; McCree, Victor <Victor.McCree@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>  
**Subject:** FW: BGA STORY  
**Importance:** High

We are still reviewing this. Story is critical of NRC oversight.

**From:** Mitlyng, Viktoria  
**Sent:** Wednesday, December 20, 2017 6:26 AM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Duncan, Eric <Eric.Duncan@nrc.gov>  
**Cc:** prema.chanrathil@nrc.gov; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Harral <Harral.Logaras@nrc.gov>; Barker, Allan <Allan.Barker@nrc.gov>; Wolf, Carolyn <Carolyn.Wolf@nrc.gov>  
**Subject:** BGA STORY

Link to the story:

<https://projects.bettergov.org/power-struggle/warnings.html>

**Viktoria Mitlyng**  
Senior Public Affairs Officer

US Nuclear Regulatory Commission  
Region 3

Tel 630-829-9662 (office)

(b)(6) Tel  (cell)

**From:** Castelveter, David  
**Sent:** 20 Dec 2017 09:58:01 -0500  
**To:** Johnson, Michael  
**Cc:** West, Steven;Inverso, Tara;Dacus, Eugene;Mitlyng, Viktoria;Chandrathil, Prema;Bowen, Jeremy;McCree, Victor;Holian, Brian;Pederson, Cynthia  
**Subject:** RE: BGA STORY

Mike, adding Vika and Prema. We had prepared and given a response to the inquiry regarding number of allegations vs. number acted upon. Vika will attach so that we can adapt as necessary. Also adding Gene since OCA will have a going forward role.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6)

 (C)  
david.castelveter@nrc.gov  
[www.nrc.gov](http://www.nrc.gov)

**From:** Johnson, Michael  
**Sent:** Wednesday, December 20, 2017 9:47 AM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; McCree, Victor <Victor.McCree@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; Inverso, Tara <Tara.Inverso@nrc.gov>  
**Subject:** RE: BGA STORY

Thanks Cindy. Given your region's close follow up, we are particularly interested in any insights you might have.

Mike

**From:** Pederson, Cynthia  
**Sent:** Wednesday, December 20, 2017 8:16 AM  
**To:** Johnson, Michael <Michael.Johnson@nrc.gov>; Bowen, Jeremy <Jeremy.Bowen@nrc.gov>; McCree, Victor <Victor.McCree@nrc.gov>; Castelveter, David <David.Castelveter@nrc.gov>; Holian, Brian <Brian.Holian@nrc.gov>  
**Cc:** West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Loudon, Patrick <Patrick.Loudon@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Lew, David <David.Lew@nrc.gov>  
**Subject:** FW: BGA STORY  
**Importance:** High

We are still reviewing this. Story is critical of NRC oversight.

**From:** Mitlyng, Viktoria

**Sent:** Wednesday, December 20, 2017 6:26 AM

**To:** Pederson, Cynthia <[Cynthia.Pederson@nrc.gov](mailto:Cynthia.Pederson@nrc.gov)>; West, Steven <[Steven.West@nrc.gov](mailto:Steven.West@nrc.gov)>; O'Brien, Kenneth <[Kenneth.O'Brien@nrc.gov](mailto:Kenneth.O'Brien@nrc.gov)>; Shuaibi, Mohammed <[Mohammed.Shuaibi@nrc.gov](mailto:Mohammed.Shuaibi@nrc.gov)>; Louden, Patrick <[Patrick.Louden@nrc.gov](mailto:Patrick.Louden@nrc.gov)>; Lara, Julio <[Julio.Lara@nrc.gov](mailto:Julio.Lara@nrc.gov)>; Duncan, Eric <[Eric.Duncan@nrc.gov](mailto:Eric.Duncan@nrc.gov)>

**Cc:** prema.chanrathil@nrc.gov; Heck, Jared <[Jared.Heck@nrc.gov](mailto:Jared.Heck@nrc.gov)>; Logaras, Harral <[Harral.Logaras@nrc.gov](mailto:Harral.Logaras@nrc.gov)>; Barker, Allan <[Allan.Barker@nrc.gov](mailto:Allan.Barker@nrc.gov)>; Wolf, Carolyn <[Carolyn.Wolf@nrc.gov](mailto:Carolyn.Wolf@nrc.gov)>

**Subject:** BGA STORY

Link to the story:

<https://projects.bettergov.org/power-struggle/warnings.html>

***Viktoria Mitlyng***

Senior Public Affairs Officer

US Nuclear Regulatory Commission

Region 3

Tel 630-829-9662 (office)

(b)(6) Tel  (cell)

**From:** Logaras, Harral  
**Sent:** 20 Dec 2017 07:29:55 -0600  
**To:** Mitlyng, Viktoria  
**Cc:** Heck, Jared;Barker, Allan;Wolf, Carolyn;Chandrathil, Prema  
**Subject:** RE: BGA STORY

Vika,

Thank you. I heard about the story on CBS WBBM AM 780 Radio this morning on my commute. The CBS writer and on-air news reader did a great job for BGA (accusations of malfeasance, etc....), but apparently didn't read the story itself. So much sensationalism I'm just tired of that style of reporting and to release the story on the say the tax bill is to be signed. Oh well.

---

Harral Logaras | Regional Government Liaison | Office of the Regional Administrator  
U.S. Nuclear Regulatory Commission Region-III | (630) 829-9659 | [Harral.Logaras@nrc.gov](mailto:Harral.Logaras@nrc.gov)

**From:** Mitlyng, Viktoria  
**Sent:** Wednesday, December 20, 2017 6:26 AM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Loudon, Patrick <Patrick.Loudon@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Duncan, Eric <Eric.Duncan@nrc.gov>  
**Cc:** prema.chandrathil@nrc.gov; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Harral <Harral.Logaras@nrc.gov>; Barker, Allan <Allan.Barker@nrc.gov>; Wolf, Carolyn <Carolyn.Wolf@nrc.gov>  
**Subject:** BGA STORY

Link to the story:

<https://projects.bettergov.org/power-struggle/warnings.html>

**Viktoria Mitlyng**  
Senior Public Affairs Officer

US Nuclear Regulatory Commission  
Region 3  
Tel 630-829-9662 (office)

(b)(6) Tel  (cell)

**From:** Shuaibi, Mohammed  
**Sent:** 20 Dec 2017 08:57:31 -0500  
**To:** Mitlyng, Viktoria; Heck, Jared  
**Cc:** Chandrathil, Prema  
**Subject:** RE: BGA story 3: Nuclear Regulator Downplays Safety Warnings

Perfect. Also, we are on the calendar with Cindy at 10:00 to brief her on the results of our discussion.

---

**From:** Mitlyng, Viktoria  
**Sent:** Wednesday, December 20, 2017 7:57 AM  
**To:** Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>  
**Cc:** Chandrathil, Prema <Prema.Chandrathil@nrc.gov>  
**Subject:** RE: BGA story 3: Nuclear Regulator Downplays Safety Warnings

How about after the 8:15 in your office? We have a discussion with Cindy, Steve, and other scheduled for 10.

---

**From:** Shuaibi, Mohammed  
**Sent:** Wednesday, December 20, 2017 7:40 AM  
**To:** Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>  
**Subject:** RE: BGA story 3: Nuclear Regulator Downplays Safety Warnings

Thanks Vika...

Let's do our thing....let's get together this morning and discuss. Let me what would be a good time.

---

**From:** Mitlyng, Viktoria  
**Sent:** Wednesday, December 20, 2017 7:25 AM  
**To:** Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Loudon, Patrick <Patrick.Loudon@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Giessner, John <John.Giessner@nrc.gov>; Heller, James <James.Heller@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>  
**Cc:** Chandrathil, Prema <Prema.Chandrathil@nrc.gov>; Heck, Jared <Jared.Heck@nrc.gov>; Logaras, Haral <Haral.Logaras@nrc.gov>; Barker, Allan <Allan.Barker@nrc.gov>  
**Subject:** BGA story 3: Nuclear Regulator Downplays Safety Warnings  
**Importance:** High

'Nobody Really Cares'

Employees at the nation's nuclear power plants filed nearly 700 whistleblower complaints with the Nuclear Regulatory Commission in recent years. It upheld zero.

By Madison Hopkins and Brett Chase, Better Government Association |Dec. 20, 2017  
A version of this story is distributed with The Associated Press.

Marilyn Lingle, a nearly 30-year veteran of the nuclear generating industry, began a new job in 2010 helping dismantle Exelon's long-shuttered Zion nuclear power plant. One of her assignments was to measure radiation on scrap metal before it was landfilled or recycled. Records show she did her work by-the-book, scouring each piece to ensure it wasn't a public danger.

Reporters Brett Chase and Madison Hopkins break down "Power Struggle." Shot by Alex Garcia. Produced by Mia Sato/BGA.

Yet Lingle's methodical pace frustrated employees at ZionSolutions, a contractor hired by Exelon to decommission the plant site near the Wisconsin border, according to reports with the U.S. Nuclear Regulatory Commission. During the next few months she continued to have run-ins at the plant, and managers started to view her as "an annoyance and nuisance," the records show.

Lingle's bosses began faulting her job performance, accused her of disruptive behavior and issued reprimands. She was placed on suspension and sent to a counselor who found Lingle was suffering from stress brought on by "perceived threats, accusations and intimidation by management."

Lingle filed a whistleblower complaint with the NRC that accused ZionSolutions of retaliation for airing safety concerns—one of hundreds of similar cases received by the agency in recent years that all ended the same, a Better Government Association analysis found.

Employees at the nation's nuclear power plants filed 687 whistleblower complaints from 2010 to 2016, claiming retaliation for raising safety concerns, records show. The NRC only investigated about one-third of these allegations. It upheld zero.

The results underscore an entrenched pattern at the agency. The NRC encourages nuclear plant workers to speak out and says it relies on them to be its eyes and ears in the quest for safety in a nuclear generating industry that has little margin for error. But the agency's record does little to support those claims.

Lingle never lived to see her complaint rejected. Two months after the NRC opened an investigation, she was found dead in her truck in her garage. The Lake County coroner's office ruled that her death by carbon monoxide asphyxiation was an accident.

A year later, NRC investigators concluded that ZionSolutions managers had "greatly exaggerated" accusations against Lingle and her complaints of retaliation were valid. But the posthumous victory didn't stick. After a final review with agency lawyers, the NRC rejected the findings and declined to act against ZionSolutions. Officials from ZionSolutions did not return repeated calls for comment.

Paul Blanch, himself a one-time plant whistleblower, nuclear engineer, and safety consultant for the nuclear industry, says such outcomes send a clear message summed up in gallows humor common among nuclear industry workers: NRC, they say, stands for "Nobody Really Cares."

NRC spokeswoman Prema Chandrathil said the numbers don't tell the whole story. The main reason no recent cases have concluded in a whistleblower's favor, she said, is the threshold for

accepting allegations is "very low" but the burden of proof needed to find wrongdoing by a nuclear operator is far higher.

"The NRC is focused on nuclear safety and enforcing its regulations, which prohibit discrimination against nuclear workers who raise nuclear safety concerns," Chandrathil said in a written statement to the BGA.

Chandrathil added that more than a quarter of the discrimination cases received over the six-year period were never investigated because employees and companies reached private settlements before it got to that stage.

The NRC says the settlement process is beneficial to both sides but critics argue it is an easy way to silence whistleblowers and keep problems under wraps.

The BGA interviewed a dozen current and former nuclear plant workers across the country about their workplace cultures. Most described climates that emphasized silence over safety and said raising concerns that might lead to expensive repairs was considered a career killer.

Some employees still on the job declined to speak on the record, saying they feared repercussions and worried going to the NRC would accomplish nothing.

One longtime employee who did speak openly said employees have little faith the agency will thoroughly investigate concerns.

"They don't find anything," said Barry Quigley, a senior design engineering analyst who has worked at the Byron plant for 31 years. "It's just not effective."

Barry Quigley has worked at the Byron nuclear power plant for more than three decades.  
Madison Hopkins/BGA

Whistleblower cases are notoriously difficult to prove, regardless of the industry. The U.S. Department of Labor fielded more than 20,000 workplace complaints from whistleblowers over roughly the same six-year period and determined just 388, about 2 percent, had merit—a tiny fraction but still higher than results at the NRC.

In theory, nuclear power plant employees can file retaliation complaints with both the Labor Department and the NRC, but investigations at each agency are designed to serve different purposes.

The Labor Department has the authority to order employers to pay whistleblowers back pay or restore their jobs. The NRC lacks any such power to help workers personally and can only act to fix safety problems.

So a whistleblower complaint to the NRC is usually more selfless in intent, argued Billie Garde, a Washington, D.C., lawyer who has represented nuclear plant whistleblowers for more than three decades.

Among Garde's clients is Chris Mikusko, who worked security at the Palisades nuclear plant near South Haven, Michigan, operated by Entergy Corporation. After 28 years at Palisades, he was laid off in 2013 for what plant managers termed a "restructuring," but Mikusko claimed was in retaliation for reporting security-related problems, records show. One instance cited in

Department of Labor reports show he complained that a supervisor asked another employee to fill in for an armed security guard position—a job the employee was not authorized to do—causing a security risk at the plant.

Mikusko filed whistleblower complaints with both the NRC and the labor department, and labor took his side. It ordered Entergy to restore his job, though Mikusko did not return after reaching a settlement with the company.

The NRC reached the opposite conclusion, deeming Mikusko's retaliation claims unsubstantiated. Mikusko said he was shocked.

"I thought this is the kind of case that the NRC should be hanging their badges on," Mikusko said. "We brought up concerns. We're supposed to be protected."

Chandrathil declined to comment on specifics of Mikusko's case, but said the NRC is always rigorous in investigating retaliation claims.

The NRC, meanwhile, acknowledged a poor safety culture existed in the Palisades security department after Mikusko left. The agency surveyed plant employees and everyone from the security department who responded said they were not comfortable raising issues without fear of retaliation.

"After what happened to us, people were completely and genuinely afraid," Mikusko said of his former co-workers. "After going through what we went through, I lost complete and utter faith in the NRC."

In a prepared statement, Entergy spokeswoman Val Gent said Palisades plant management was proactive in responding to the NRC findings and had worked to establish "an unrelenting focus on safety."

A perception that the NRC is indifferent to whistleblower allegations has long dogged the agency. In 1993, the NRC's Office of the Inspector General conducted a study that found scant action taken when plant workers raise an alarm.

The study said the NRC had investigated just 44 of 609 retaliation complaints it received over a roughly five-year period. Only seven resulted in enforcement actions.

Whistleblowers, whose identities were withheld from the report, told the inspector general investigators they felt abandoned by the NRC and feared cooperating with the agency, or filing complaints with the labor department, would only lead to financial hardship and emotional pain, the report said.

The inspector general report outlined examples of intimidation that plant workers said they were forced to endure for speaking out. One said he was moved to a position with a higher level of radiation exposure after reporting problems.

Another recalled an incident when a co-worker pointed to a charred mannequin used in a firefighting exercise and said the whistleblower risked a similar fate if his behavior did not change. This whistleblower was later diagnosed with Post-Traumatic Stress Disorder attributed to workplace trauma, according to the report.

The U.S. Senate Committee on Environment and Public Works later held hearings on whistleblower treatment at the NRC. Then-Sen. Joseph Lieberman, a Connecticut Democrat, presided over the session and said he found the report disturbing.

"Serious problems of safety may exist today that we will not be warned about because workers may feel unprotected if they blow the whistle," Lieberman warned at the time. "The law is not working if people cannot speak out when they see situations that they fear are dangerous because of greater fears of the legal, economic, or bureaucratic consequences."

The inspector general at the time made several recommendations to improve the NRC's handling of whistleblower complaints, though the agency did not formally adopt any of them.

Chandrathil, the NRC spokeswoman, said the agency embraced other changes, including in 2004 when it began offering whistleblowers the opportunity to privately mediate complaints with plant operators—a process the NRC billed as a path to speedy resolutions and enhanced plant safety.

As part of those confidential deals, employees often accept back pay if they had been suspended or fired but agree to quit or stop speaking about the safety concerns they had raised, according to Garde, the whistleblower attorney. While the NRC is still required to look into the underlying safety problems, those often aren't taken as seriously without the whistleblowers pushing for change, she said.

"The NRC isn't picking up the gauntlet of being an advocate for those issues," Garde said. "What you've got is a system set up to basically pay them off, keep them quiet, settle the problem so it isn't all over the newspaper or the TV."

#### **Nuclear Regulator Downplays Safety Warnings**

**A government body's own staff is silenced in favor of arguments made by the power plant owners it oversees.**

By Brett Chase and Madison Hopkins, Better Government Association | Dec. 20, 2017

A version of this story is distributed with The Associated Press.

The federal agency responsible for safety at the nation's 61 nuclear plants turns a deaf ear to warnings from its own experts about flooding, mechanical problems, power outages and other potential accidents that can lead to disaster, a Better Government Association investigation shows.

A review of thousands of pages of records and dozens of interviews during a months-long probe found:

- One-third of U.S. nuclear plants — including Chicago-based Exelon Corp.'s Dresden and Quad Cities sites in Illinois — have been deemed by agency experts to be vulnerable to big floods. Despite years of internal warnings and analysis, top brass at the United States Nuclear Regulatory Commission have downplayed the threat and given nuclear operators leeway to take precautions its own experts say are inadequate.

- Potentially dozens of nuclear plants across the country, including Exelon's Braidwood and Byron sites in Illinois, are at risk of serious problems because of faulty internal valve systems needed to relieve water pressure in an accident, said Samuel Miranda, a retired NRC engineer who spent four decades in the nuclear industry, the last 14 years at the NRC.

A team of NRC experts ordered Exelon to prove its valve systems worked, but the company convinced the agency's executive director to block the order in 2016.

- Many U.S. nuclear plants have unreliable backup power systems, which could pose a danger of reactor core meltdowns, according to a team of NRC electrical engineers. They concluded the flaw was so serious that plants should be required to immediately fix it or shut down. The dire warning came in 2016, but the NRC agreed to requests from most operators to give them another two years to devise a fix.

Reporters Brett Chase and Madison Hopkins break down "Power Struggle." Shot by Alex Garcia. Produced by Mia Sato/BGA.

In each example, technical experts say they were stifled by NRC higher ups when raising concerns about plant safeguards. In the high-stakes cases, NRC officials overruled staff recommendations and sided with nuclear operators in addressing the potential for plant catastrophes and potential harm to the public.

Officially, the agency encourages employees to speak up. But even internal NRC surveys point to a climate of fear and reticence among workers.

A report on a 2015 questionnaire of NRC employees stated most felt "if you disagree with your manager it can, and most likely will, affect your career path and advancement." Nearly half surveyed concurred with the statement that "we too often sacrifice the quality of our work in order to: Satisfy a personal or political need."

"It's the NRC's longstanding practice to consistently declare the plants are safe and to avoid directly answering any questions that might suggest otherwise," said Lawrence Criscione, an NRC risk analyst from Springfield, Illinois, who sounded alarms about flooding risks at nuclear sites built long ago on flood plains.

Among such facilities are two in Illinois — Dresden near the confluence of the Kankakee and Des Plaines Rivers in Grundy County and the Quad Cities plant near the Mississippi River in Cordova.

Many of the plants now in operation were built in the 1960s and 1970s at a time when experts did not fully understand the potential for extreme floods and other natural disasters, Criscione said. More than half of U.S. nuclear power plants have reactors that are at or near their originally projected 40-year lifespans and almost all reactors in the U.S. have been granted extensions by the NRC to operate 20 years beyond that.

Records and interviews with current and former NRC employees reveal a pattern of top agency managers dismissing safety warnings from their technical experts rather than burden nuclear plant owners with costly fixes. Some of those interviewed said careers suffered even as potential threats to plants and the public were never fully addressed.

Top NRC executives declined interview requests, but the agency did respond in writing to questions from the BGA.

"All U.S. nuclear power plants have multiple appropriate procedures and resources in place to maintain key safety functions if severe events" occur, NRC spokeswoman Viktoria Mitlyng said in that statement. "These conclusions are based on extensive agency reviews and inspections."

The nuclear industry, through its trade group and companies such as Exelon, downplay the seriousness of problems highlighted by NRC experts. Exelon and others in the industry have successfully batted down potential rules and regulations by pleading their cases to NRC's top managers.

Exelon, the largest U.S. operator with 14 Midwest and East Coast nuclear plants, describes its relationship with the regulator as "unique and collaborative" and said the company simply follows NRC procedures to challenge agency decisions.

"Safety is the highest priority for both Exelon Generation and the NRC," spokesman David Tillman said in a statement. "We are equally committed to protecting our people and our communities and to suggest otherwise is a disservice to the authority of the NRC and our shared commitment to public health and safety."

The NRC and industry officials defend their safety record, pointing to a scorecard with no major nuclear accident in the U.S. since the 1979 meltdown at the Three Mile Island plant in Pennsylvania.

Many current and former technicians at the agency see it differently.

"The NRC is now working for Exelon," charged Miranda.

The BGA identified several major safety concerns considered at the NRC since 2010. In each instance, the agency either blocked or scaled back fixes urged by its staff.

The problem, say people who conduct such reviews, is that the agency's final rulings often don't reflect the warnings from technical experts.

"Management tells you where they want the answer to go. If you push, you're not going to get promoted again — there are other people who are willing to say it's not a serious issue," said Richard Perkins, one of Criscione's NRC colleagues involved in exposing flooding concerns.

Perkins co-authored a 2011 report warning about nuclear plants at risk from dam failures. He said he sought Criscione's help back then because he felt the NRC was withholding information from the public about the flooding threat.

The flood debate at the NRC has grown in intensity since 2011 when a tsunami triggered by a powerful earthquake flooded the oceanside Fukushima Daiichi nuclear plant in Japan, leading to a meltdown of three reactor cores that spread contamination for miles around and forced the evacuation of tens of thousands of people.

The Fukushima accident, among the worst in the history of nuclear power, prompted Congress to order the NRC to review flood safeguards at U.S. plants. An NRC task force then asked plants to submit plans to deal with floods more intense than those envisioned when many of the

facilities were built decades ago. The agency, however, did not require operators to prove their plans would work.

One of those facilities was the Duke Energy Oconee Nuclear Station in South Carolina near Clemson University. It sits on a floodplain close to Lake Keowee, a large man-made reservoir and near the Jocassee Dam.

Even before Fukushima, NRC staff recommended that Oconee take precautions able to withstand waters that rose 19 feet above flood stage. But following the Japanese disaster, Duke proposed, and the NRC accepted, a plan sufficient to only protect against a 4.5-foot flood, according to written comments filed by NRC risk analyst Jeffrey Mitman in Criscione's whistleblower case.

Chris Rimel, a spokesman for Duke, said that the NRC signed off on plant construction of a wall that would protect against a smaller flood, though he couldn't be specific about flood height protection. "We mitigate as much as we can to avoid risk," Rimel said.

Incensed by what he felt was bureaucratic indifference, Criscione aired his concerns about Oconee and other plants in a letter to members of Congress sent in 2012. That struck a nerve with his bosses.

Soon after, Criscione said, he was accused by the NRC inspector general of compromising confidential government information, interrogated by armed agents and saw his case referred to federal prosecutors.

They refused to pursue charges against Criscione, but the NRC continued its own investigation for months afterward, he said.

"It certainly was a stressful situation to be told by armed federal law enforcement officers that they were investigating you for a federal felony," recalled Criscione, who said it was even tougher on his wife who was battling cancer at the time.

NRC risk analyst Lawrence Criscione warned of flooding risks at nuclear power plants, including the Dresden site (pictured in back). Michael Weaver

Criscione, who still works for the NRC, filed a federal whistleblower complaint challenging his treatment. He used the complaint to highlight NRC staff concerns that more than 20 plants are unprepared for major flooding from dam failures or rivers. He included Dresden and Quad Cities on that list.

As part of the NRC's post-Fukushima reviews, the plans at Dresden and Quad Cities to handle extreme flooding were questioned by Mitman and other NRC experts. At a 2014 public hearing, they pointed to those facilities to highlight how older nuclear facilities lacked serious flood defense.

Exelon's strategy for Dresden and Quad Cities was to not attempt to block flood waters but rather to allow them to enter the plants. Gas pumps would then be used to funnel in cooling river water to bathe reactors.

"The whole effort from the beginning was biased to not making the licensees make any major changes or improvements," Criscione said in an interview. "The older plants deserved a different level of rigor."

Exelon's Tillman said in his emailed statement that both plants can "withstand the most severe local flood on record with margin to spare" and calls the NRC rare-flood models "an extremely unlikely, apocalyptic scenario."

"Any assertion that Exelon's nuclear facilities have outlived their ability to withstand flooding threats is inaccurate and misleading," he added.

Criscione, however, points out that current licensing rules for nuclear plants would bar construction in the flood zones where Quad Cities and Dresden now sit.

Dresden began operation in 1960 and Quad Cities was licensed in 1972. Criscione said site selection for both facilities took place in an era when "our understanding of rare river floods was not what it is today," Criscione said.

That understanding may still be evolving, as underscored by recent flooding in Houston that far exceeded prior worst-case scenarios. Benchmarks for catastrophic 100-year floods have changed as global warming scrambles weather patterns leading to more extreme storms.

The complaint brought by Criscione came to a resolution recently when the U.S. Office of Special Counsel, a government body that probes whistleblower complaints across many federal agencies, urged the NRC to "carefully consider" the expert warnings about flood precautions.

"Utilize their expertise," the special counsel added.

NRC officials choose their words carefully when discussing the tension between keeping plants safe and saving nuclear operators money. But one former top official at the agency acknowledged in an interview that economics factors into its decision-making.

Jack R. Davis, who oversaw the NRC's post-Fukushima flooding analysis, said it's impossible to make plants 100 percent safe. "What I like to tell folks is safety resources are not unlimited — there's a finite amount," said Davis, a 20-year NRC veteran who left in 2016 to work for Entergy, an operator of several U.S. nuclear plants.

While still at the NRC, Davis was investigated by the agency's inspector general for boasting on his LinkedIn page that he had saved the nuclear industry \$1.6 billion while a regulator. That declaration, the IG found, broke no law yet "created an appearance of impropriety."

A good government 'win'

Miranda, the former NRC engineer, is continuing in his retirement to press his old employer over safety issues, including the fight over backup systems he started while still at the agency.

Nuclear plants create energy by boiling water into steam which turns turbines that produce electricity. Like a pressure cooker, steam buildup must be released through safety valves.

If primary valves malfunction, separate backup valves are needed to control water flow. Pressure relief valve failure contributed to the partial meltdown at Three Mile Island, Miranda explained.

Miranda said he was assigned in 2013 by the NRC to review a proposal by Exelon to increase power output at its Byron and Braidwood plants. He disputed Exelon's contention that backup valves at the decades-old facilities would relieve water pressure in an accident.

Miranda and other NRC technical and legal staff studied the issue for two years and determined Exelon had not conducted required tests to prove the emergency valves would work if needed. Exelon was ordered to undergo the tests, but that was overturned in 2016 after the company appealed directly to Victor McCree, the NRC's Executive Director for Operations.

The action was hailed as "a win for good government," by the Nuclear Energy Institute, an industry trade group.

The price of major safety fixes can run into the tens of millions of dollars if multiple plants are affected, a significant cost even for an industry that claims at least \$40 billion in annual revenue.

In resisting mandatory upgrades, nuclear operators often argue the cost isn't justified when weighed against the low likelihood of an accident.

Economic interdependence between the industry and government dates back to the earliest days of nuclear power in the 1950s.

Federal officials concluded the potential costs of a serious accident could be so crushing that utilities would not take on the risk of building plants. The solution was the Price-Anderson Act, passed by Congress in 1957, a law that partially insulates the nuclear industry from liability in event of a catastrophe.

Mark Cooper, a Vermont-based economist and nuclear power critic, said the industry would be economically unviable without the special protections. "If Price-Anderson were repealed, and utilities faced full liabilities for accidents, the utilities would get out of business as fast as they could," Cooper said.

NRC officials say safety and security of the plants are their top priorities and spokeswoman Mitlyng insists that the agency doesn't side with plant owners to save the industry from costly upgrades to address safety concerns.

The reality is that the companies do influence NRC regulations as they fight back against proposed costly fixes, say current and former agency workers.

"The industry pushes back and says 'listen, we're not going along with this. It's too expensive,'" said George Mulley, a former inspector general investigator at NRC who handled numerous cases involving plant safety over 26 years on the job.

As for the backup valves, Exelon said in a statement to the BGA that its own analysis proves existing equipment works sufficiently. In appealing the staff order for more testing, the company said it was abiding by the rules of the NRC and achieved an outcome that was a "textbook example of multiple nuclear power experts applying their technical knowledge to an issue."

In a statement, the NRC defended the reversal, saying it determined the valve issue was of "minimal safety significance."

By law, members of the public, including special interest groups and even NRC workers, have the right to petition the agency to reconsider policies it has put in place over a wide range of safety concerns, including emergency power systems and mechanical or structural issues. Between 2013 and 2016, there were 38 so-called public petitions filed with the NRC.

A recent internal audit at the NRC found that no safety fixes have been put into place in response to any of those petitions.

Miranda's petition over the safety valve issue was rejected by the agency in June 2017. Also going nowhere were petitions from NRC electrical engineers over the backup power problems and another questioning the sufficiency of emergency backup power and safety at the Palo Verde Nuclear Generating Station operated by the Arizona Public Service Company in that state.

The backup power question was first raised by NRC electrical engineers after a problem was discovered with an emergency power system at Exelon's Byron plant near Rockford. They also determined the problem at Byron was common to many other nuclear plants in the country.

Byron nuclear power plant near Rockford. Madison Hopkins/BGA

Without backup power, plants might be unable to keep reactor cores cool to prevent a meltdown.

In 2016, seven of those engineers issued a public plea to the NRC seeking an immediate order for all plants to either fix the backup power deficiency or shut down.

"The Byron event identified a vulnerability," the engineers wrote in their petition, warning power system failures "must not disable the safety functions of emergency core cooling and vital safety systems to protect the health and safety of the public."

Exelon moved quickly to implement fixes at its plants. But other plant operators sought, and received, permission from the regulatory agency to have until late 2018 to devise voluntary solutions.

The NRC "should not impose any specific design requirements" for the plants, the Nuclear Energy Institute, an industry group, wrote to the agency in 2016. "The NRC should review each licensee's approach for addressing" the issue.

The "voluntary initiative" to resolve the issue was deemed to be appropriate, Mittyng told the BGA.

**From:** Castelveter, David  
**Sent:** 17 Nov 2017 09:03:09 -0500  
**To:** Giitter, Joseph;Evans, Michele;McDermott, Brian;Holian, Brian  
**Cc:** Felts, Russell;Hsueh, Kevin;Mitlyng, Viktoria;Chandrathil, Prema;McIntyre, David;West, Stephanie  
**Subject:** RE: Heads up on Better Government Association article implying inadequate NRC response to groundwater contamination

Joe, thanks. As you know, OPA has been actively engaged in working this story for more than 10 months. We also received a heads up on the publication of the piece and have prepared reactive communications to be used in response to query. We are reading closely the story to see what if any clarification is necessary. We have not received other media calls at this time. Our team does not believe that moving the groundwater contamination information piece to the home page would be effective, at least at this stage. NRR might want to make the piece more prominent on its web section. Thanks for the note.

David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852  
301-415-8200 (O)

(b)(6)

[REDACTED] (C)  
david.castelveter@nrc.gov  
[www.nrc.gov](http://www.nrc.gov)

**From:** Giitter, Joseph  
**Sent:** Thursday, November 16, 2017 5:44 PM  
**To:** Evans, Michele ; McDermott, Brian ; Holian, Brian  
**Cc:** Felts, Russell ; Hsueh, Kevin  
**Subject:** Heads up on Better Government Association article implying inadequate NRC response to groundwater contamination

Region III management provided a "heads up" on an article from the Better Government Association (<https://www.bettergov.org>) that purportedly implies NRC has been not been effective in responding to groundwater contamination. Here is a link to our discussion of the topic on our public website, which was recently reviewed/updated a few months ago: <https://www.nrc.gov/reactors/operating/ops-experience/grndwtr-contam-tritium.html> Since it is currently "buried" on our website, I'm suggesting to OPA that this link be moved up to a more visible spot in anticipation of increased interest on the subject.

**From:** Shuaibi, Mohammed  
**Sent:** Thursday, November 16, 2017 5:01 PM  
**To:** Miller, Chris <[Chris.Miller@nrc.gov](mailto:Chris.Miller@nrc.gov)>; King, Michael <[Michael.King2@nrc.gov](mailto:Michael.King2@nrc.gov)>; Vegel, Anton <[Anton.Vegel@nrc.gov](mailto:Anton.Vegel@nrc.gov)>; Clark, Jeff <[Jeff.Clark@nrc.gov](mailto:Jeff.Clark@nrc.gov)>; Gody, Tony <[Tony.Gody@nrc.gov](mailto:Tony.Gody@nrc.gov)>; Miller, Mark <[Mark.Miller@nrc.gov](mailto:Mark.Miller@nrc.gov)>; Yerokun, Jimi <[Jimi.Yerokun@nrc.gov](mailto:Jimi.Yerokun@nrc.gov)>; Welling, Blake <[Blake.Welling@nrc.gov](mailto:Blake.Welling@nrc.gov)>; Casto, Greg <[Greg.Casto@nrc.gov](mailto:Greg.Casto@nrc.gov)>; Brock, Kathryn <[Kathryn.Brock@nrc.gov](mailto:Kathryn.Brock@nrc.gov)>; Giitter, Joseph <[Joseph.Giitter@nrc.gov](mailto:Joseph.Giitter@nrc.gov)>; Felts, Russell <[Russell.Felts@nrc.gov](mailto:Russell.Felts@nrc.gov)>; Case, Michael <[Michael.Case@nrc.gov](mailto:Michael.Case@nrc.gov)>; Webber, Kimberly <[Kimberly.Webber@nrc.gov](mailto:Kimberly.Webber@nrc.gov)>; Coffin, Stephanie <[Stephanie.Coffin@nrc.gov](mailto:Stephanie.Coffin@nrc.gov)>; Bailey, Marissa <[Marissa.Bailey@nrc.gov](mailto:Marissa.Bailey@nrc.gov)>  
**Subject:** FW: Better Government Association (BGA) Article on Nuclear Power

Allâ€¦.I sent the email below to folks here in the Region and wanted to make sure you were also aware.

**From:** Shuaibi, Mohammed

**Sent:** Thursday, November 16, 2017 3:45 PM

**To:** Sotiropoulos, Dina <Dina.Sotiropoulos@nrc.gov>; Mary Walsh (Mary.Walsh@nrc.gov) <Mary.Walsh@nrc.gov>; Kunowski, Michael <Michael.Kunowski@nrc.gov>; (Aaron.McCraw@nrc.gov) <Aaron.McCraw@nrc.gov>; (Patricia.Pelke@nrc.gov) <Patricia.Pelke@nrc.gov>; King, Michael <Michael.King@nrc.gov>; Jonsson, Dawn <Dawn.Jonsson@nrc.gov>; Lipa, Christine (Christine.Lipà@nrc.gov) <Christine.Lipa@nrc.gov>; Giessner, John (John.Giessner@nrc.gov) <John.Giessner@nrc.gov>; Stoedter, Karla <Karla.Stoedter@nrc.gov>; Lara, Julio (Julio.Lara@nrc.gov) <Julio.Lara@nrc.gov>; Louden, Patrick (Patrick.Louden@nrc.gov) <Patrick.Louden@nrc.gov>; Skokowski, Richard (Richard.Skokowski@nrc.gov) <Richard.Skokowski@nrc.gov>; O'Brien, Kenneth (Kenneth.O'Brien@nrc.gov) <Kenneth.O'Brien@nrc.gov>; Pederson, Cynthia (Cynthia.Pederson@nrc.gov) <Cynthia.Pederson@nrc.gov>; Peterson, Hironori (Hironori.Peterson@nrc.gov) <Hironori.Peterson@nrc.gov>; Orth, Steven (Steven.Orth@nrc.gov) <Steven.Orth@nrc.gov>; Daley, Robert (Robert.Daley@nrc.gov) <Robert.Daley@nrc.gov>; Hills, David (David.Hills@nrc.gov) <David.Hills@nrc.gov>; Jeffers, Mark <Mark.Jeffers@nrc.gov>; (Robert.Orlikowski@nrc.gov) <Robert.Orlikowski@nrc.gov>; Riemer, Kenneth (Kenneth.Riemer@nrc.gov) <Kenneth.Riemer@nrc.gov>; Duncan, Eric (Eric.Duncan@nrc.gov) <Eric.Duncan@nrc.gov>; Dickson, Billy (Billy.Dickson@nrc.gov) <Billy.Dickson@nrc.gov>; Kozak, Laura (Laura.Kozak@nrc.gov) <Laura.Kozak@nrc.gov>; Cameron, Jamnes (Jamnes.Cameron@nrc.gov) <Jamnes.Cameron@nrc.gov>; Stone, AnnMarie <AnnMarie.Stone@nrc.gov>  
**Cc:** Heck, Jared (Jared.Heck@nrc.gov) <Jared.Heck@nrc.gov>; Mitlyng, Viktoria <Viktoria.Mitlyng@nrc.gov>; Chandrathil, Prema (Prema.Chandrathil@nrc.gov) <Prema.Chandrathil@nrc.gov>

**Subject:** Better Government Association (BGA) Article on Nuclear Power

All,

OPA has heard from the Better Government Association (BGA) that BGA intends to publish an article on government oversight of nuclear power plants in Illinois. They indicated that the story will run tomorrow. What we heard is that they plan to post the article on their website ([www.bettergov.org](http://www.bettergov.org)) with the intent that other media outlets will pick it up from there. BGA has communicated that the focus of this article will be on ground water contamination (e.g., tritium releases) and the lack of/inadequate response from state and federal agencies (including specifically the NRC). We have also received the same information from Exelon through resident offices.

OPA (Vika and Prema) have been involved in many requests from the BGA on this effort, as the effort by BGA has been ongoing for quite some time. In addition to Vika and Prema, several Region III staff and others in HQ have also been involved in responding to questions that have come in from the BGA through OPA (mainly Vika and Prema). In addition, there have been several FOIA requests by BGA related to this effort.

In anticipation of BGA running such a story, we have decided that OPA (Vika and Prema), Jared, and I will meet in the mornings, going forward, to review information posted by BGA or other media outlets on this topic so that we can decide if and how to best respond. We have also reached out to John Cassidy and may reach out to others if needed to review any information we find.

Please be mindful of this issue and forward any information requests or concerns to Vika and Prema. Weâ€™d like to continue to engage through OPA to ensure that the appropriate expertise are involved in any responses.

Thanks and weâ€™ll keep you posted as things progress,

Mohammed

**From:** Castelveter, David  
**Sent:** 17 Nov 2017 16:05:18 -0500  
**To:** Mitlyng, Viktoria  
**Cc:** McIntyre, David; Chandrathil, Prema  
**Subject:** RE: R3 TNT

Thanks Vika  
David A. Castelveter  
Office Director  
U.S. Nuclear Regulatory Commission  
Office of Public Affairs (Mail Stop O-16D3)  
11555 Rockville Pike, MD 20852  
301-415-8200 (O)

(b)(6)

[REDACTED] (C)

david.castelveter@nrc.gov

[www.nrc.gov](http://www.nrc.gov)

**From:** Mitlyng, Viktoria  
**Sent:** Friday, November 17, 2017 3:57 PM  
**To:** Castelveter, David  
**Cc:** McIntyre, David ; Chandrathil, Prema  
**Subject:** R3 TNT

**THE BETTER GOVERNMENT ASSOCIATION** -- Chicago-based BGA, which reports on government corruption and reform, posted the first in a series of on-line stories focusing on the NRC's oversight of nuclear plants, with AP as its media partner. The story, which focused on effluent releases from Illinois plants, has been picked up by the Washington Post and WTOP radio. We anticipate additional media outlets to run the story. OPA has responded to multiple inquiries from the BGA on a wide range of issues for over 10 months.

FENOC is a *Wall Street Journal* reporter and representatives from local television stations went on a tour of the Perry plant today. We anticipate media coverage to focus on FENOC's financial future. There was no interaction with NRC resident inspectors.

Note to requester: Hyperlink to "the story" is <https://projects.bettergov.org/power-struggle/> ; hyperlink to "Washington Post" is [https://www.washingtonpost.com/business/investigation-radioactive-leaks-at-illinois-nuclear-plants/2017/11/17/a47c8c0a-cbc5-11e7-b506-8a10ed11ecf5\\_story.html](https://www.washingtonpost.com/business/investigation-radioactive-leaks-at-illinois-nuclear-plants/2017/11/17/a47c8c0a-cbc5-11e7-b506-8a10ed11ecf5_story.html) and hyperlink to "WTOP radio" is <https://wtop.com/national/2017/11/investigation-radioactive-leaks-at-illinois-nuclear-plants/>

**From:** McIntyre, David  
**Sent:** 17 Nov 2017 14:08:09 -0500  
**To:** Mitlyng, Viktoria;Castelveter, David  
**Cc:** Chandrathil, Prema  
**Subject:** RE: Washington Post picked up the BGA story

I'm very disappointed.

**From:** Mitlyng, Viktoria

**Sent:** Friday, November 17, 2017 2:07 PM

**To:** Castelveter, David

**Cc:** McIntyre, David ; Chandrathil, Prema

**Subject:** Washington Post picked up the BGA story

[https://www.washingtonpost.com/business/investigation-radioactive-leaks-at-illinois-nuclear-plants/2017/11/17/a47c8c0a-cbc5-11e7-b506-8a10ed11ecf5\\_story.html?utm\\_term=.0156b80b6fdf](https://www.washingtonpost.com/business/investigation-radioactive-leaks-at-illinois-nuclear-plants/2017/11/17/a47c8c0a-cbc5-11e7-b506-8a10ed11ecf5_story.html?utm_term=.0156b80b6fdf)

**The Washington Post**

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# Investigation: Radioactive leaks at Illinois nuclear plants



This Oct. 17, 2017 photo shows the Braidwood Nuclear Generating Station in Braceville, Ill. Radioactive waste continues to pour from Exelon's Illinois nuclear power plants more than a decade after discovery of chronic leaks led to national outrage, a \$1.2 million government settlement and a company vow to guard against future accidents, according to federal and state record reviewed by Better Government Association. (Madison Hopkins/Better Government Association via AP) (Associated Press)

By Brett Chase and Madison Hopkins | AP By Brett Chase and Madison Hopkins | AP  
[Business](#)

November 17 at 1:32 PM

Radioactive waste continues to pour from Exelon's Illinois nuclear power plants more than a decade after the discovery of chronic leaks led to national outrage, a \$1.2 million government settlement and a company vow to guard against future accidents, an investigation by a government watchdog group found.

Since 2007, there have been at least 35 reported leaks, spills or other accidental releases in Illinois of water contaminated with radioactive tritium, a byproduct of nuclear power production and a carcinogen at high levels, a Better Government Association review of federal and state records shows.

No fines were issued for the accidents, all of which were self-reported by the company.

Breaking news about economic and business issues.

The most recent leak of 35,000 gallons (132,000 liters) occurred over two weeks in May and June at Exelon's Braidwood plant, southwest of Chicago. The same facility was the focus of a community panic in the mid-2000s after a series of accidents stirred debate over the safety of aging nuclear plants.

A 2014 incident at Exelon's Dresden facility in Grundy County involved the release of about 500,000 gallons (1,900,000 liters) of highly radioactive water. Contamination was later found in the plant's sewer lines and miles away in the Morris, Illinois, sewage treatment plant.

Another leak was discovered in 2007 at the Quad Cities plant in Cordova. It took eight months to plug and led to groundwater radiation readings up to 375 times of that allowed under federal safe drinking water standards.

Exelon had threatened to close the Quad Cities plant, but relented last year after Gov. Bruce Rauner signed bailout legislation authorizing big rate hikes.

Representatives of Exelon and its government overseers — the U.S. Nuclear Regulatory Commission, the Illinois Emergency Management Agency and the Illinois Environmental Protection Agency — say the leaks posed no public danger and did not contaminate drinking water. Exelon said to prevent leaks it has spent \$100 million over the last decade on upgrades at all of its U.S. plants.

Michael Pacilio, chief operating officer of the power generating arm of Exelon, said no one in or around the plants was harmed by radioactivity from the leaks, which he described as minor compared with everyday exposures.

“We live in a radioactive world,” Pacilio said.

Critics say that’s little cause for relief.

“Best that we can tell, that’s more luck than skill,” said David Lochbaum, an analyst with the nonprofit Union of Concerned Scientists. “Leaks aren’t supposed to happen. Workers and the public could be harmed. There is a hazard there.”

Among the 61 nuclear power plants operating in the U.S., more than half have reactors that are at or near the end of their originally expected lifespans — including the Dresden and Quad Cities plants.

Industry watchdogs and government whistleblowers contend oversight is compromised by a cozy relationship between companies and the NRC.

Government regulators concede they must balance the safety needs of aging plants, which require more maintenance, versus ordering cost-

prohibitive upgrades at facilities that inherently are just a slip-up away from catastrophe.

No player in the nuclear industry is bigger than Exelon, the Chicago-based energy company that last year reported \$31 billion in revenue and operates 14 nuclear plants in Illinois, New York, New Jersey, Pennsylvania and Maryland.

Five of the six Illinois plants reported leaks over the last decade, records show. Clinton, in DeWitt County, had no leaks and Byron, in Ogle County, reported only one that contained low levels of radioactivity.

The accidents included in the BGA analysis are separate from government-approved releases into large bodies of water. The state allows Exelon to discharge controlled amounts of tritium into rivers and lakes, where radioactive material gets diluted.

Other releases of tritium, however, can be illegal and subject to fines and government lawsuits — though no accidents from the past decade resulted in either. Government officials say small amounts of tritium — a radioactive form of hydrogen and a potential marker for more dangerous nuclear contaminants — are not harmful to humans but exposure to higher levels may increase the risk of cancer.

At least seven of the 35 documented accidents since 2007 involved contamination of groundwater. Other contamination was found in sewers and other water systems where it isn't supposed to be.

The recent leaks echo the controversy in 2006 when it was revealed that leaks at Braidwood over many years spilled 6 million gallons (23 million liters) of radioactive water, some of which found its way onto private properties and at least one private drinking well.

At the time, Exelon and state regulators assured the public radioactivity levels in the private well were far below limits deemed a danger.

Neighbors of the Braidwood plant were skeptical then and remain so.

“The NRC gets all its numbers from the nuclear plant. How can NRC trust the numbers?” asked Monica Mack, who lives in Braceville near the Braidwood plant.

The BGA investigation also found:

— Of the 35 documented incidents, 27 occurred at Dresden. Following the big 2014 leak, which emanated from an aboveground storage tank, Exelon asked a state inspector whether the public would have access to the incident report under open records laws, a state report showed.

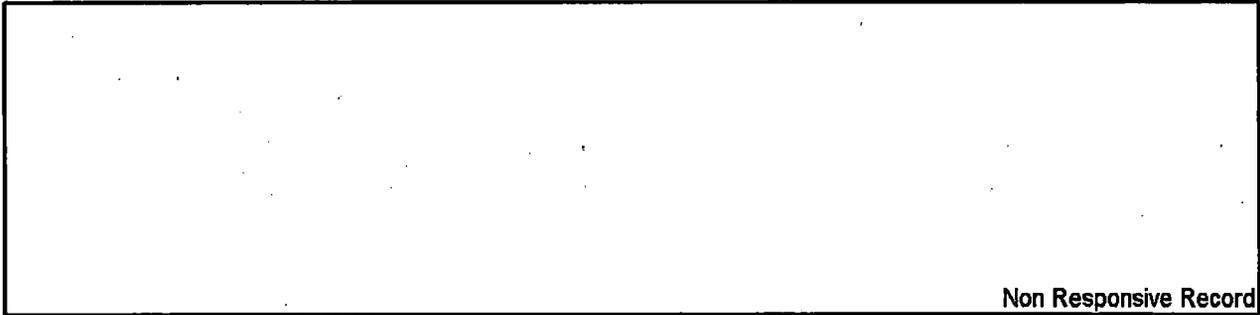
— An NRC report on the 2007 Quad Cities leak noted radiation levels went “well beyond that seen anywhere else in the industry” and that plant staff estimated the leak had been active for years before it was discovered.

— In 2010, Exelon’s Marseilles generating plant in LaSalle County reported a spill from a storage tank, initially estimated at more than 150 gallons (570 liters) but later classified as “unknown.” Groundwater tritium tests later showed levels 59 times the EPA’s drinking water limit. Exelon said no tritium left the plant’s boundaries, but records show plant workers continued to monitor a body of highly contaminated groundwater sitting on plant property at least five years after the accident.

— In 2009, Dresden reported another hole in a storage tank led to a leak of as much as 272,000 gallons (1 million liters) of radioactive water. Onsite groundwater testing showed levels of tritium 160 times higher than allowed under federal standards for drinking water.

**From:** Castelveter, David  
**Sent:** 16 Nov 2017 16:58:14 -0500  
**To:** Castelveter, David  
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**Traditional Media**



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**THE BETTER GOVERNMENT ASSOCIATION** -- Chicago-based BGA, which reports on government corruption and reform, is expected to run the first in a series of on-line stories focusing on the NRC's oversight of nuclear plants tomorrow morning. OPA Region III has learned that the AP is likely to pick up this story, which will focus on effluent releases from Illinois plants. We have responded to multiple inquiries from the BGA on a wide range of issues for over 10 months.

**Press Release**

**NRC Publishes Agency Financial Report for FY 2017**

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David A. Castelveter

Office Director

U.S. Nuclear Regulatory Commission

Office of Public Affairs (Mail Stop O-16D3)

11555 Rockville Pike, MD 20852

301-415-8200 (O)

(b)(6) [redacted] (C)

david.castelveter@nrc.gov

[www.nrc.gov](http://www.nrc.gov)

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