



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 6, 2020

IA-20-020

Mr. Todd Blankenship
[Note: Home Address Deleted
Under 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NO. 2-2016-042

Dear Mr. Blankenship:

This letter refers to an investigation completed on May 17, 2019 by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning your activities at the Tennessee Valley Authority's (TVA) Watts Bar Nuclear Plant, Unit 1 (WBN-1). The purpose of the investigation was to determine whether TVA employees deliberately submitted incomplete and inaccurate information to the NRC and whether TVA employees deliberately violated plant procedures.

The NRC's letter of March 9, 2020 provided you the results of the NRC staff's review, Factual Summary of the OI investigation, and documented an apparent violations (AV) of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5. The AV involved your actions as a licensed operator at the controls for TVA WBN-1 on November 11, 2015. Specifically;

- AV 4 described your apparent deliberate failure to follow TVA Procedure NPG-OPDP-1, "Conduct of Operations." When faced with an emerging issue, you did not practice conservative decision making by proceeding in the face of uncertainty, by not verifying and validating available information, and by allowing production and cost to override safety. Specifically, in order to stay on schedule, personnel in the Outage Control Center (OCC) and the Main Control Room (MCR), including yourself, decided to continue with the reactor heat-up, including removal of residual heat removal (RHR) from service, with the normal letdown system out of service.

The NRC's letter provided you the opportunity to address the apparent violation by either attending a pre-decisional enforcement conference or by providing a written response before we made our final enforcement decision. During a PEC on July 14, 2020, you provided a response to the apparent violations. At your PEC, you:

- Denied AV 4, stating that you acted conservatively on November 11, and that you have never let production or cost override safety, nor would you ever. However, you stated that "I trusted the shift manager and the OCC were considering and addressing our concerns. So when the shift manager came back to the control room and told us that the decision was to proceed, I understood that to mean that they had considered the implications of the heat

up with our concerns in mind and had determined with the assistance of engineering that the heat up would be successful.” Further, you stated “we were being directed by two levels of the chain of command who had far more training and experience than me” and “[w]hile I believe that using a questioning attitude and raising concerns is important, I think it's equally important that a shift manager should have the confidence that when he gives a direction, it will be followed.” Finally, you acknowledged that you did not have any training or prior operator experience with heating up using only excess letdown.

Based on the information developed during the investigation and the information that you provided at your PEC, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). In summary, the NRC concluded that:

- On November 11, 2015, you failed to follow TVA Procedure NPG-OPDP-1, “Conduct of Operations.” When faced with an emerging issue, you did not practice conservative decision making by proceeding in the face of uncertainty, by not verifying and validating available information, and by allowing production and cost to override safety. Specifically, in order to stay on schedule, personnel in the OCC and the MCR, including yourself, decided to continue with the reactor heat-up, including removal of the residual heat removal system from service, with the normal letdown system out of service.
- Your actions on November 11, 2015, did not constitute deliberate misconduct under 10 CFR 50.5(a)(1). However, your failure to follow NPG-OPDP-1 is a violation of your reactor operator license issued under 10 CFR Part 55.
- The failure to follow NPG-OPDP-1 did not cause any actual consequences. However, the potential consequences associated with this violation could have been significant under different circumstances. The NRC expects licensed operators to operate with a safety culture that ensures conservative decision making, demands rigorous procedural adherence, and prohibits plant operations in the face of uncertainty. The NRC considers procedural use and adherence to be a fundamental tenant of nuclear safety and your license is intended, in part, to ensure such actions. Consequently, this violation is cited in Enclosure 1 as Violation A. Given the significance of the underlying issue, and your licensed position at that time, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

As described above, your actions placed TVA in violation of 10 CFR Part 50, Appendix B, Criteria V. Enclosure 2 includes a copy of the letter and Notice of Violation and Proposed Imposition of Civil Penalty issued to TVA.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, because your actions did not cause the Agency to have significant concerns regarding your future commitment to compliance with NRC requirements, and due to the overall safety significance of the violation, I decided to issue the enclosed Notice of Violation.

The NRC has concluded that information regarding the violations is already adequately addressed on the docket in the transcript of your PEC dated July 14, 2020. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional

information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and any response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions concerning this matter, please contact me at 630-829-9654.

Sincerely,

Kenneth G. O'Brien, Director
Office of Enforcement Special Project Team

Enclosures:

1. Notice of Violation
2. Notice of Violation and Proposed Civil Penalty to TVA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NO. 2-2016-042
DATED: 11/06/2020

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NOTICE OF VIOLATION

Mr. Todd Blankenship
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-20-020

During a U.S. Nuclear Regulatory Commission (NRC) investigation completed on May 17, 2019, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Reactor Operator License Number OP-21811, issued to Mr. Todd Blankenship on December 14, 2010, states that “While performing licensed duties, you shall observe the operating procedures and other conditions specified in the facility license authorizing operation of the facility.”

Title 10 CFR Part 50, Appendix B, Criterion V, “Instructions, Procedures, and Drawings” states, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Tennessee Valley Authority (TVA) Procedure NPG-OPDP-1, “Conduct of Operations,” Revision 0035, Section 1.0, “Purpose”, states that a purpose of this procedure is to, “provide guidelines and instructions to ensure shift operations are conducted in a safe and conservative manner.”

Section 3.3.3 “Conservative Decision Making,” Subpart A, states, “Stop when unsure and proceed in a deliberate and controlled manner.”

Section 3.3.3 “Conservative Decision Making,” Subpart E, states, in part, “when the control room team is faced with an emerging issue: ...do not allow production and cost to override safety; question, verify and validate available information; and do not proceed in the face of uncertainty.”

Contrary to the above, on November 11, 2015, Mr. Todd Blankenship, at the time the Unit Operator at the Controls for the TVA’s Watts Bar Nuclear Plant (WBN), failed to observe the operating procedures and other conditions specified in the facility license, which caused him to be in violation of his NRC License Number OP-21811, and caused TVA to be in violation of 10 CFR Part 50, Appendix B, Criterion V, when he failed to follow TVA Procedure NPG-OPDP-1, “Conduct of Operations.” When faced with an emerging issue, Mr. Blankenship did not practice conservative decision making by proceeding in the face of uncertainty and by allowing production and cost to override safety. Specifically, in order to stay on schedule, personnel in the Outage Control Center (OCC) and the Main Control Room (MCR) decided to continue with the reactor heat-up, including taking the residual heat removal (RHR) system out of service for a surveillance test, with the normal letdown system tagged out of service. After WBN Unit 1 entered Mode 4, the OCC urged the MCR to continue with the heat-up and remove RHR letdown from service, despite the operators’ concerns regarding the ability to control pressurizer water level using excess letdown. Although Mr. Blankenship was aware of operators’ concerns, including his own, and had no prior experience or training for this situation, he continued to participate in the crew’s activities as they took RHR letdown out of service after the Shift Manager directed the crew to continue with the heat-up. This resulted in a relatively quick and uncontrollable pressurizer water level

rise from 45 to 79 percent, which led the operators to take actions without the use of approved procedures to reestablish RHR letdown and reduce the pressurizer water level.

This is a Severity Level III violation.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket during your PEC on July 14, 2020. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IA-20-020", and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Document Control Desk, Washington, DC 20555-0001.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Should you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated 6th day of November 2020