



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

November 6, 2020

IA-20-018

Mr. William Sprinkle
[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. Sprinkle:

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 (WBN) Plant. 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 one apparent violation (AV) of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5. The AV involved your actions as Manager of Nuclear Plant Shift Operations for TVA's WBN plant on November 9, 2015, when during a Unit 1 startup, you initiated and approved a revision to a TVA General Operating Instruction (GOI) 1-GO-1, "Unit Startup from Cold Shutdown to Hot Standby" using the minor/editorial change process in TVA Procedure NPG-SPP-01.2.1, "Interim Administration of Site Technical Programs and Procedures for Watts Bar 1 and 2", Rev. 0002. Additionally, you acted as the Independent Qualified Reviewer for the procedure change when you were also the person who initiated, directed, and approved the change, in apparent violation of Procedure NPG-SPP-01.2.1.

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. In a letter dated July 8, 2020, you provided a response to the apparent violation.

In your response, you acknowledged with the benefit of hindsight that the procedural change did not meet the criteria for using the minor/editorial change process in Procedure NPG-SPP-01.2.1. You also stated that at the time of change, you believed that the change was in fact minor/editorial and that you did not deliberately violate procedures. You discussed how you analyzed the change at the time, you characterized your error as an honest mistake in that you believed that the procedural change to GOI 1-GO-1 did not change the intent of the procedure, and you accepted full responsibility for your mistake. In assessing the underlying significance of the procedural change, while acknowledging the critical importance with procedural compliance in operating a nuclear power plant, you stated that the error was a relatively insignificant mistake, based in part on a comparison with a similar procedure at TVA's Sequoyah Nuclear

Plant. Additionally, you noted that the WBN procedure has been in use for approximately five years since the incident of November 2015, and that there has been no long-term impact or negative consequence from the mistaken misclassification of the procedural change. Your letter reiterated in closing that you would never have deliberately misclassified a procedure change, regardless of schedule pressure or any other reason.

Based on the information developed during the investigation and the information that you provided in your response, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). In summary, on November 9, 2015, during a WBN Unit 1 startup, you initiated and approved a revision to TVA GOI 1-GO-1, "Unit Startup from Cold Shutdown to Hot Standby" using the minor/editorial change process in Procedure NPG-SPP-01.2.1. The change altered the technical intent of the procedure and changed the sequence of procedural steps by allowing the main control room operators to continue with the procedure and draw a bubble in the pressurizer without waiting for the reactor coolant system temperature to be between 135 and 160°F. The NRC concluded that you initiated and approved this change knowing, based on your experience and training, that it did not meet the criteria for minor/editorial change. The NRC also concluded that you served as Independent Qualified Reviewer (IQR) for the change knowing, based on your IQR training, that because you initiated, directed, and approved the change you were not permitted to perform the IQR review.

Your deliberate actions placed TVA in violation of 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings" and you in violation of 10 CFR 50.5, "Deliberate Misconduct." Enclosure 2 includes a copy of the letter and Notice of Violation and Proposed Imposition of Civil Penalty issued to TVA. Given the significance of the underlying issue, your supervisory position at that time, and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

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.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal penalties.

The NRC has concluded that information regarding the violation is already adequately addressed on the docket in your written response of July 8, 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. William Sprinkle
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-20-018

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

Title 10 CFR 50.5(a)(1), "Deliberate Misconduct" requires in part that employees of a licensee are prohibited from engaging in deliberate misconduct that causes or would have caused a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Title 10 CFR 50.5(c) states, in part, that, for the purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows (1) would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition or limitation of any license issued by the Commission; or (2) constitutes a violation of a requirement, procedure, instruction or policy of a licensee.

Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires in part that activities affecting quality shall be prescribed by document instructions appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

TVA Procedure NPG-SPP-01.2.1, "Interim Administration of Site Technical Programs and Procedures for Watts Bar 1 and 2", Rev. 0002, establishes the minimum requirements for preparation, revision, review, approval, cancellation, and administrative hold of site and common technical procedures. Section 3.2.8, "Procedure Preparation," Subsection B.2, states that the procedure writer shall determine if the revision to the procedure is minor or editorial using the guidelines in Section 3.2.11. Section 3.2.11, "Minor/Editorial Changes," Subsection A, states that "Minor changes do not require an AOR [Affected Organizational Reviewer], 10 CFR 50.59 review, 10 CFR 72.48 review, or PORC [Plant Operating Review Committee] review. Minor changes shall not change the intent of the procedure or alter the technical content or sequence of procedural steps." Section 3.2.11, Subsection A, also states that minor/editorial changes require an Independent Qualified Reviewer (IQR) review.

Contrary to the above, on November 9, 2015, Mr. William Sprinkle, at the time the Manager of Nuclear Plant Shift Operations for TVA's Watts Bar Nuclear Plant (WBN), engaged in deliberate misconduct that caused TVA to be in violation of 10 CFR Part 50, Appendix B, Criterion V. Specifically, during a WBN Unit 1 startup, Mr. Sprinkle initiated and approved a revision to Step 5.2.1[8] of TVA General Operating Instruction 1-GO-1, "Unit Startup from Cold Shutdown to Hot Standby" using the minor/editorial change process in Procedure NPG-SPP-01.2. The change, which revised Step 5.2.1[8] from "**THEN RAISE** RCS to between 135 and 160F . . ." to "**THEN INITIATE** RCS heat-up to between 135 and 160F. . .," altered the technical intent of the procedure and changed the sequence of procedural steps by allowing the main control room operators to continue with the procedure and draw a bubble in the pressurizer without having to wait for the RCS temperature to be between 135 and 160°F. Mr. Sprinkle identified the need

for this change, directed a procedure writer to make the change, then acted as final approver of this change knowing, based on his experience and training, that the change did not meet the criteria for minor/editorial change. Mr. Sprinkle also served as Independent Qualified Reviewer (IQR) for the change knowing, based on his IQR training, that based on his role in initiating, directing, and approving the change he was not permitted to perform the IQR review.

This is a Severity Level III violation (NRC Enforcement Policy Section 4.0).

The NRC has concluded that information regarding the reason for the violation, 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 in your letter of July 8, 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-20-018", 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 chose to respond, you 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 this 6th day of November 2020