

From: Checkle, Melanie
Sent: Wednesday, August 29, 2018 11:21 AM
To: Echavarria, Alex; Kontz, Craig; Luina, Scott; Seat, Jamin; Mendez, Sandra; Kowal, Mark; Price, Sarah; Edwards, Denise; Franke, Mark; Munday, Joel; Masters, Anthony; Ninh, Son; Monarque, Stephen; Sloan, Kimberly
Subject: 18-82 WBN ARB Materials
Attachments: 18-082 ADR CNs 2,3,4 - SQN.docx; 18-082 ARF CNs 2,3, 4 - SQN (REDACTED).docx; 18-82 Readcted documents for ARB.pdf

Attached are the ARB materials to be discussed today @ 1pm. Thanks.

Melanie M. Checkle

Senior Allegation Coordinator

Enforcement and Investigation Coordination Staff

U.S. Nuclear Regulatory Commission

☎W: 404.997.4426 | 📠F: 404.997.4903 | ✉E: melanie.checkle@nrc.gov

Visit the [Allegations Sharepoint](#) page for forms and helpful links.

If this email contains sensitive allegation information, please delete when no longer needed.

-----Original Appointment-----

From: Checkle, Melanie

Sent: Tuesday, August 28, 2018 3:08 PM

To: Echavarria, Alejandro; Kontz, Craig; Luina, Scott; Seat, Jamin; Mendez-Gonzalez, Sandra; Kowal, Mark; Price, Sarah; Anderson, Denise; Franke, Mark; Munday, Joel; Masters, Anthony; Ninh, Son; Monarque, Stephen

Subject: 18-82 WBN ARB - 1pm

When: Wednesday, August 29, 2018 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: R2-1440-30p

To discuss concerns for allegation 18-82 given that OI will be interviewing CI next week. The forms will be sent separately. Thanks.

Please note change in time. The meeting will be held at 1pm

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1092

Mail Envelope Properties (BY2PR09MB0230B8662CD166A73A1FB1D3F3090)

Subject: 18-82 WBN ARB Materials
Sent Date: 8/29/2018 11:21:29 AM
Received Date: 8/29/2018 11:21:41 AM
From: Checkle, Melanie

Created By: Melanie.Checkle@nrc.gov

Recipients:

"Echavarria, Alex" <Alejandro.Echavarria@nrc.gov>
Tracking Status: None
"Kontz, Craig" <Craig.Kontz@nrc.gov>
Tracking Status: None
"Luina, Scott" <Scott.Luina@nrc.gov>
Tracking Status: None
"Seat, Jamin" <Jamin.Seat@nrc.gov>
Tracking Status: None
"Mendez, Sandra" <Sandra.Mendez-Gonzalez@nrc.gov>
Tracking Status: None
"Kowal, Mark" <Mark.Kowal@nrc.gov>
Tracking Status: None
"Price, Sarah" <Sarah.Price@nrc.gov>
Tracking Status: None
"Edwards, Denise" <Denise.Edwards@nrc.gov>
Tracking Status: None
"Franke, Mark" <Mark.Franke@nrc.gov>
Tracking Status: None
"Munday, Joel" <Joel.Munday@nrc.gov>
Tracking Status: None
"Masters, Anthony" <Anthony.Masters@nrc.gov>
Tracking Status: None
"Ninh, Son" <Son.Ninh@nrc.gov>
Tracking Status: None
"Monarque, Stephen" <Stephen.Monarque@nrc.gov>
Tracking Status: None
"Sloan, Kimberly" <Kimberly.Sloan@nrc.gov>
Tracking Status: None

Post Office: BY2PR09MB0230.namprd09.prod.outlook.com

Files	Size	Date & Time
MESSAGE	1213	8/29/2018 11:21:41 AM
18-082 ADR CNs 2,3,4 - SQN.docx		55564
18-082 ARF CNs 2,3, 4 - SQN (REDACTED).docx		41868
18-82 Readcted documents for ARB.pdf		12151123

Options

Priority: Normal
Return Notification: No
Reply Requested: No

Sensitivity:
Expiration Date:

Normal

RII ALLEGATION REVIEW BOARD DISPOSITION RECORD

ARB MINUTES ARE REVIEWED AND APPROVED BY THE ARB CHAIR

Allegation Number: RII-2018-A-0082	
ARB Type: Initial ARB Purpose: To discuss concerns and determine course of action	Facility: Sequoyah Responsible Branch: DRP/PB5
Received Date: 8/13/2018 30-Days = 9/12/2018 45-Days = 9/27/2018 150-Days = 1/10/2019 180-Days = 2/9/2019	Allegation Source: Licensee Employee Total # Concerns: 4

Concern #: 2 Concern Type: Allegation Discipline: Select Wrongdoing (Select Only One)

Concern Description:

TVA CORPORATE LICENSING WILLFULLY FAILED TO DENY OR CORRECT TWO 2015 NRC VIOLATIONS.

Follow-Up ARB Input: (if applicable)

Safety Impact and Applicable Regulation:

Safety Significance: Normal

Describe potential safety impact, assuming concern is true: Conditions adverse to quality remained uncorrected.

Applicable Regulation: 50.5 and 10 CFR 50 Appendix B Criterion XVI

When did potential violation occur (date)? Unknown

Concern Disposition Method/Branch Input and Comments:

- Transfer to:** (NRC Internal Exchange to another region/NRR/NMSS, etc.)
- Request for Additional Information (RFI):** (Fill out RFI Considerations section in back)
Branch to review the licensee response to the RFI:
- Provide to Licensee for Information Only:**
- Referral to Select :**
- Inspection Follow-Up:**
- ADR:** (For discrimination cases, after prima facie has been established. Fill out Prima Facie Recommendations section in back)
- Office of Investigations (OI):** See draft Criterion XVI VIO below. It is understood that the timeliness aspects of Criterion XVI are not easily enforceable, nevertheless, Criterion XVI is the applicable regulation and is being offered for OI consideration.

10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Actions," stated, in part, that that "Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformance's are promptly identified and corrected." Contrary to the above since September 2015, the licensee failed to promptly correct conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformance's with procurement processes were promptly identified and corrected. Specifically, the licensee failed to correct nonconformances with Class 1E electrical equipment (Mechanical Kirk-Key Interlocks) identified in NCV 05000327,328/2015007-02.

(Provide draft NOV to Allegations Office)

- Too General/Need More Details:** (Provide recommendation, e.g. Inspector contact allegor for details, etc.)
- Closure in acknowledgment letter:**
- Closure Letter or Memo to File:**
- Other:** Specify recommendation (e.g. Contact licensee, chilling effect letter etc.)
- EICS Close File Administratively:**

Prompt notification of SRI/RI or region-based inspector required: Already Notified

Related allegation number: 17-115 - previous allegation from CI

Related OI Case Number: N/A

Is this a response after closure?: No

To be filled out at the ARB

ARB Assigned Actions:

Assigned Branch/Individual:
Estimated Completion Time:

OI Investigations:

OI Priority: Select

Rationale for OI priority:

If potential discrimination or wrongdoing and OI is not opening a case, document rationale for not initiating OI investigation:

Concern #: 3
Concern Type: Allegation
Discipline: Corrective Action Select (Select Only One)

Concern Description:

CORPORATE LICENSING INAPPROPRIATELY CLOSED CRS 1262488 AND 1289450 WITHOUT TAKING APPROPRIATE CORRECTIVE ACTIONS.

Follow-Up ARB Input: (if applicable)

Safety Impact and Applicable Regulation:

Safety Significance: Normal

Describe potential safety impact, assuming concern is true:

Applicable Regulation: 10 CFR 50 Appendix B Criterion XVI

When did potential violation occur (date)? Unknown

Concern Disposition Method/Branch Input and Comments:

- Transfer to:** (NRC Internal Exchange to another region/NRR/NMSS, etc.)
- Request for Additional Information (RFI):** (Fill out RFI Considerations section in back)
Branch to review the licensee response to the RFI:
- Provide to Licensee for Information Only:**
- Referral to Select :**
- Inspection Follow-Up:** Residents inspect the licensee's actions to address the NCVs 05000327,328/2015007-002 and 003, as the subject CRs were written to address TVA's handling of those violations.
- ADR:** (For discrimination cases, after prima facie has been established. Fill out Prima Facie Recommendations section in back)
- Office of Investigations (OI):** (Provide draft NOV to Allegations Office)
- Too General/Need More Details:** (Provide recommendation, e.g. Inspector contact allegor for details, etc.)
- Closure in acknowledgment letter:**
- Closure Letter or Memo to File:**
- Other:** Specify recommendation (e.g. Contact licensee, chilling effect letter etc.)
- EICS Close File Administratively:**

Prompt notification of SRI/RI or region-based inspector required: Already Notified

Related allegation number: 17-115 - previous allegation from CI

Related OI Case Number: N/A

Is this a response after closure?: No

To be filled out at the ARB

ARB Assigned Actions:

Assigned Branch/Individual:
Estimated Completion Time:

OI Investigations:

OI Priority: Select

Rationale for OI priority:

If potential discrimination or wrongdoing and OI is not opening a case, document rationale for not initiating OI investigation:

Concern #: 4
Concern Type: Allegation
Discipline: Chilling Effect Select (Select Only One)

Concern Description:

CORPORATE AND SQN LICENSING STAFF ARE AFRAID TO RAISE CONCERNS BECAUSE THEY FEAR RETALIATION FROM THE DIRECTOR AND VICE PRESIDENT OF NUCLEAR REGULATORY AFFAIRS.

Follow-Up ARB Input: (if applicable)

Safety Impact and Applicable Regulation:

Safety Significance: Normal

Describe potential safety impact, assuming concern is true: Staff maybe reluctant to raise safety concerns.

Applicable Regulation:

When did potential violation occur (date)? Unknown

Concern Disposition Method/Branch Input and Comments:

- Transfer to:** (NRC Internal Exchange to another region/NRR/NMSS, etc.)
- Request for Additional Information (RFI):** (Fill out RFI Considerations section in back)
Branch to review the licensee response to the RFI:
- Provide to Licensee for Information Only:**
- Referral to Select :**
- Inspection Follow-Up:** Perform SCWE evaluation of sites and corporate licensing.
- ADR:** (For discrimination cases, after prima facie has been established. Fill out Prima Facie Recommendations section in back)
- Office of Investigations (OI):** (Provide draft NOV to Allegations Office)
- Too General/Need More Details:** (Provide recommendation, e.g. Inspector contact allegor for details, etc.)
- Closure in acknowledgment letter:**
- Closure Letter or Memo to File:**
- Other:** Specify recommendation (e.g. Contact licensee, chilling effect letter etc.)
- EICS Close File Administratively:**

Prompt notification of SRI/RI or region-based inspector required: Already Notified

Related allegation number: 17-115 - previous allegation from CI

Related OI Case Number: N/A

Is this a response after closure?: No

To be filled out at the ARB

ARB Assigned Actions:

Assigned Branch/Individual:

Estimated Completion Time:

OI Investigations:

OI Priority: Select

Rationale for OI priority:

If potential discrimination or wrongdoing and OI is not opening a case, document rationale for not initiating OI investigation:

RFI Considerations

Applicable Concern(s):

Does the concern(s) present an Overriding Safety Issue? Y N

If yes, an RFI will normally be issued to the licensee (verbally first, then in writing)

Notes/Comments:

Conditions Inhibiting RFI:

- Will compromise allegor identity protection
- Will compromise investigation or inspection
- Against management that would review RFI
- Fed or State agency disapproves of RFI

Other RFI Considerations if Inhibiting Conditions Do Not Apply

- Release could bring harm to allegor. Describe:
- Allegor Objects to RFI. Describe:
- Allegor objects to releasing their identity in RFI, when necessary for adequate follow-up. Describe:

- Allegor is concerned about being identified to the licensee. Describe:
- Allegor has raised concern to licensee w/ unsatisfactory results. Describe:
- Recent NRC concerns w/ licensee RFI responses. Describe:

Other Items Potentially Affecting RFI Response Quality:

- Recent Inspection findings? Last PI&R? Describe:
- Substantive Cross-Cutting Issue? Describe:
- Allegation history issues? Describe:
- Licensee policy/process issues? Describe:
- Resource issues? Describe:
- Other? Describe:

Is RFI an Acceptable Option? Y N Summarize reason:

ARB Attendees

Chairs:

EICS:

OI:

OGC/Counsel:

Branch Chiefs:

Other Attendees:

REGION II ALLEGATION RECEIPT FORM

Allegation Number: RII-2018-A-0082	
Received By: J. Seat	Date Received: 8/13/2018
Allegation Received Via: <input type="checkbox"/> Telephone <input type="checkbox"/> In person <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> DOL Complaint <input type="checkbox"/> OI Transcript #	Facility: Sequoyah Docket No: 05000327,328
Prepared By: J. Seat	Date Prepared: 8/29/2018

Is there a potential overriding safety issue that requires an Emergency ARB? Y N

Concern #: 2

Concern Description:

TVA Corporate Licensing willfully failed to deny or correct two 2015 NRC violations.

Concern Background Information:

Background from CN1:

The CI was is the site licensing manager at SQN. SQN received two NCV's during a 2015 NRC baseline inspection (1. Molded Case Circuit Breaker Service Life and 2. Removal of Kirk Key Interlocks. Sequoyah followed the TVA procedure and performed a Regulatory Analysis which concluded that the violations didn't have an appropriate regulatory technical basis, and should be denied. SQN licensing drafted a denial letter, in response to the 2015007 inspection report which identified the violations. Corporate licensing (XXXX and XXXX) directed the CI to write the letters as "informational" letters vice denials. The CI repeatedly disagreed with and challenged the position directed by Mr. XXXX and Ms. XXXX, and repeatedly emphasized neither TVA nor NRC processes addressed "informational" letters for responding to violations. The CI repeatedly told them that if they did not deny the violations, they has a legal obligation to implement corrective actions to restore compliance. SQN licensing drafted and continually revised the "informational" letter as directed by corporate licensing, but corporate licensing would never sign nor forward to the NRC. The CI continued to push TVA Corporate licensing to approve and submit a combined denial/backfit letter to the NRC, and continued to emphasize that TVA was now in non-compliance for two years. Corporate licensing finally signed a combined denial/backfit letter to the NRC in December 2017 after the NRC staff indicated their intentions to issue SQN a cited violation because they has failed to implement corrective actions for the Molded Case Circuit Breaker Service Life Violation. Corporate licensing did submit an "informational" letter to the NRC in February 2016 associated with the Kirk Key Interlock Violation, which has upheld by the NRC in March 2017. During the 2017 PI&R inspection, the team challenged SQN regarding the corrective actions for the Kirk Key issue. The CI communicated that SQN would submit a LAR by the end of September 2017 to address the violation. Corporate licensing repeatedly extended the LAR submittal date and questioned the appropriateness of submitting a LAR, but never suggested any other corrective action. The LAR was approved and submitted in March 2018.

Additional information obtained via phone call with CI on 8/15/18 (D. Anderson, J. Seat, S. Mendez, S. Price, M. Checkle):

For the service life issue:

The CI stated that the technical issue was entered in the CAP and the CR stated that they didn't agree with the NRC. However, they didn't deny it. They had to keep extending it. The service life issue was an industry issue. Corporate Licensing kept pushing for the "informational letter." It wasn't until the November 2017, when the SQN NRC Resident reviewed TVA's corrective actions for the 2015 Service Life NCV as part of their quarterly PI&R review, that corporate licensing then decided to submit the denial. This resulted in a period of two years where the licensee was not in compliance and in which they did not follow TVA's internal or NRC processes.

For the Kirk Key issue:

In 2017, Jonathan Bartley (NRC Branch Chief) informed TVA that the violation (improper 50.59) stood and that the "informational letter" was not in process. SQN and corporate licensing agreed to a LAR (license amendment request), but XXXX repeatedly challenged the CI about the LAR. XXXX would question: Why a LAR? Why not defend the 50.59? This lingered onto 2018. SQN prepared the LAR but it was received with more challenges from XXXX. XXXX stated that the LARs were expensive and would result in unexpected RAIs (requests for additional information). That they had submitted LARs in the past and it ended up in "endless RAIs and cost a lot of money and that some had been pulled back after all that money was spent." Finally the LAR got approved in March 2018. The CI stated that both of this issues represented willful non-compliance on the part of corporate licensing.

The CI believes that corporate licensing did not address the issues due to both incompetence and reluctance to address them. Corporate licensing was reluctant to address the service life issue because it was an industry issue. Although repeatedly urged by the CI, Corporate Licensing chose to neither deny nor correct the Sequoyah Kirk Key Interlock violation.

DRP Note:

An LAR, which will restore compliance, was eventually submitted, and is pending NRR approval. Because the MCCB violation has been withdrawn by the NRC, it will not be addressed in this concern.

Did the allegor raise the concern to management? Yes

If so, what actions have been taken, and when? If no, why not?:

Comments: Concern is associated with Corporate Licensing decision making and was communicated to them.

Concern #: 3

Concern Description:

Corporate Licensing inappropriately closed CRs 1262488 and 1289450 without taking appropriate corrective actions.

Concern Background Information:

The CI generated CR 1262488, which was closed by Corporate Licensing. Corporate Licensing initiated CR 1289450 after subsequent communications with the CI about his concerns. CR 1289450 was also closed with no action taken.

CR 1262488 (2/14/2017) documented that the MCCB and Kirk Key interlock violations issued in 2015 had still not been corrected or denied, and was addressed to Corporate Licensing, who had chosen to neither deny or correct the issue. The CR was closed with an explanation of why Corporate Licensing chose to do neither. CR 1289450 contained similar verbiage and was also closed, with no actions taken.

Additional information obtained via phone call with CI on 8/15/18 (D. Anderson, J. Seat, S. Mendez, S. Price, M. Checkle):

The CI stated that both of the service life and Kirk Key issues represented willful non-compliance on the part of corporate licensing. The CI wanted corporate licensing to document this non-compliance in CRs to evaluate the decision making and why they never denied the violations, but XXXX pushed back and stated that these were "site issues" not corporate issues. The CI ended up writing two draft CRs and solicited input/comments from Corporate Regulatory Affairs prior to entering into the TVA Corrective Action Program. However, the CR was classified as an Echo level CR and was closed by XXXX to no action. The CI challenged the closure of the CR and asked they discuss this during the Licensing Peer Team Meeting.

The TVA Corporate Licensing CFAM at the time, Mr. XXXX, informed the CI that his manager (Ms. XXXX) specifically directed that he not include this issue on the Peer Team Agenda. The CI subsequently called Mr. XXXX and asked him whether he thought Ms. XXXX's closure of the CR to no action was appropriate. Mr. XXXX responded, "Oh no, I am not answering that, I know who signs my paycheck."

The issue was discussed during the meeting after all, XXXX stated that he agreed and directed XXXX to write a second CR (there are no meeting minutes). XXXX (site Licensing Manager) also agreed with the CI. However, the second CR was also closed to no action. He requested this again be discussed during Licensing Peer Team Meeting but after he was suspended, they took the issue out of the agenda and it was not discussed and completely dropped (XXXX, acting for CI, told him this). The CI stated that he didn't think it was normal for a fleet to have so many violations that appear to have originated from actions by the Corporate Office. He thought it was a common cause that needed to be evaluated.

Did the allegor raise the concern to management? Yes

If so, what actions have been taken, and when? If no, why not?:

Comments: Concern is associated with Corporate Licensing decision making and was communicated to them.

Concern #: 4

Concern Description:

Corporate and SQN licensing staff are afraid to raise concerns because they fear retaliation from the Director and Vice President of Nuclear Regulatory Affairs.

Concern Background Information:

Information obtained via phone call with CI on 8/15/18 (D. Anderson, J. Seat, S. Mendez, S. Price, M. Checkle):

The CI stated that current and previous TVA licensing staff are afraid to raise concerns because they fear retaliation from XXXX (Director of Regulatory Affairs) and XXXX (Vice President of Nuclear Regulatory Affairs). The CI stated that those that don't agree with XXXX and XXXX are sent on rotations and never return. The CI stated that his current suspension (suspended for about 3 months and then resigned) is also causing concerns with licensing employees. The CI stated that there's not a lot of faith on ECP.

People that have told him the CI that they were chilled include XXXX (corporate licensing, CI for allegation 17-114), XXXX (corporate licensing PM), XXXX (Acting SQN Site Licensing Manager due to CI's suspension) and XXXX (contract corporate licensing employee to work on the CO). XXXX is in rotation with NEI for 18 months because she had to get away from the environment or she would have to quit; she also fears retaliation. XXXX resigned about a month ago because he was tired of dealing with the same issues every day, working in a hostile work environment where people will not say anything. XXXX has also expressed to the CI over the years that he believes SNQ was out of compliance and he was tired of fighting with corporate. XXXX told XXXX that he left TVA because he couldn't deal with the work environment in corporate licensing because of all the intimidation. XXXX (site Licensing Manager) has also expressed to the CI his dissatisfaction in working with XXXX and XXXX. XXXX was sent on rotation and never came back. The CI himself got a job overseas (Abu Dhabi) and ended up resigning.

The CI also discussed an incident during the Licensing Peer Team Meeting on Monday May 7, 2018 (there were representatives from all three TVA nuclear sites and the TVA corporate office on this call). During the meeting, the CI explained that it seemed unusual for actions taken by the nuclear fleet corporate office to cause site regulatory violations, and he listed the specific violations at TVA (i.e., list of violations provided by the CI in an email on Friday May 4, 2018). During this Peer Team call, XXXX, the Vice President of TVA Nuclear Regulatory Affairs, twice asked the CI if he was suggesting there was a problem with XXXX's organization (XXXX is XXXX's manager and a TVA Senior Vice President reporting directly to the Chief Nuclear Officer). XXXX pointed out that all the examples the CI described involved organizations that reported to XXXX. Mr. XXXX's accusation came across in a threatening manner; i.e., if the CI pushed these issues they would be presented to Mr. XXXX as my personal accusations against his organization. The CI was then suspended two weeks later for allegedly sending a text message to a corporate licensing employee (XXXX) which allegedly undermined XXXX's ability to do her job.

Did the allegor raise the concern to management? Unknown

If so, what actions have been taken, and when? If no, why not?:

Comments:

Allegor's Information

Allegation Source: Licensee Employee

Allegor's Name: Mr. Ms. XXXX

Allegor's Employer: TVA **Allegor's Position/Title:** XXXX

Allegor's Home Address:

Home Phone Number:

Work Phone Number:

Cell Phone Number: XXXX

Email Address: XXXX

Preferences for method and time of contact:

Method: Letter

Email

Telephone - Which number? XXXX

Time: AM

PM

Identity Protection Policy/Confidentiality

Was the allegor Informed of ID Protection Policy?: Yes

Was Confidentiality Requested?: No

RFI Considerations

Allegor Objects to RFI?: No

Is the allegor concerned about being identified to the licensee?: No

Does the allegor object to having his/her identity released?: No

No further contact requests – to be discussed only if the allegor brings it up

Did the allegor request no further contact with the NRC?: No

Were the benefits of continued process involvement discussed?: No

August 13, 2018

From: [REDACTED]

To: NRC Allegations Coordinator, RII

I am writing to raise specific examples of harassment, intimidation, and retaliation that I have experienced at TVA for raising nuclear safety and regulatory compliance issues, and which have resulted in my current suspension (paid) from TVA (suspended on 5/25/18 with no return date).

I am currently the Site Licensing Manager at the Sequoyah Nuclear Power Plant for TVA. I have been employed with TVA since February 2013. Prior to that, I was employed for two years with General Atomics in San Diego, California, as a Quality Assurance Manager for their Radiation Monitor product line, and for about 15 years with Southern California Edison (SCE) at the San Onofre Nuclear Generating Station (SONGS) in several individual contributor and management positions within Regulatory Affairs, Employee Concerns Program, and Performance Improvement (the large majority of my time was spent in Regulatory Affairs). Prior to my employment with SCE, I worked for the USNRC for approximately 6 years (1990-1996); Technical Reviewer in NRC/NRR, Resident Inspector at Peach Bottom Atomic Power Station, and Engineering Inspector in NRC Region I.

Two major regulatory issues that I believe led to the harassment, intimidation, and retaliation, and my on-going suspension, involve two Non-cited Violations (NCV's) received during a 2015 Baseline NRC Modifications Inspection at the Sequoyah Nuclear Power Plant (SQN); 1) replacement of molded case circuit breakers (service life), and 2) removal of a mechanical interlock device (kirk key). Following this 2015 inspection, Sequoyah followed TVA

procedures and performed a Regulatory Analysis, which included participation by an external industry expert. The Regulatory Analysis concluded the two NCV's did not have an appropriate regulatory technical basis, and that TVA/SQN should deny both NCV's. SQN Licensing contacted NRC RII to inform them we planned to deny the violations, requested an extension of time to submit the denials, and drafted a denial letter.

In early November 2015, TVA Vice President of Regulatory Affairs, Joseph [REDACTED] and Director of Regulatory Affairs, [REDACTED] directed SQN to rewrite the NCV denial letters as "informational" letters vice denials. I repeatedly disagreed with and challenged the position directed by Mr. [REDACTED] and Ms. [REDACTED] and repeatedly emphasized neither TVA nor NRC processes addressed "informational" letters for responding to violations. I repeatedly told them that if we did not deny the violations, we had a legal obligation to implement corrective actions to restore compliance. Mr. [REDACTED] directed me to contact Mr. Jonathan Bartley, NRC Region II Engineering Branch Chief, let him know we would not deny the violations but would submit "informational" letters, and request an extension to submit the "informational" letters.

I followed Mr. [REDACTED] direction and contacted Mr. Bartley with our planned submittals and request the extension for submitting the "informational" letters. Mr. Bartley informed me that TVA does not need to obtain NRC approval for this extension, since NRC process does not address "informational" letters. He emphasized the NRC will review any information TVA submits, but NRC process includes either a formal denial or else the licensee must implement corrective actions for violations to restore compliance. The following summarizes actions related to each of the two NCVs.

1. Replacement of Molded Case Circuit Breakers (Service Life)

Based on the direction by Mr. [REDACTED] and Ms. [REDACTED] in November 2015, SQN revised the 2015 denial letter to be an “informational” letter. The letter was reviewed and approved by SQN site management, up to and including the Site Vice President, numerous times, but Mr. [REDACTED] repeatedly refused to sign the submittal. Mr. [REDACTED] repeatedly noted he did not feel the letter was sufficiently compelling, but he refused to provide any written editorial changes/suggestions (I repeatedly requested he provide written comments on the letter but he refused). Each time this occurred, I emphasized to Mr. [REDACTED] that we (TVA) were out of regulatory process in neither denying nor correcting the violation, and as such, we had significant regulatory exposure (e.g., potential willful noncompliance for failing to either deny or correct the violation). From about March 2016 through February 2017, I repeatedly inquired as to the status of TVA Corporate Regulatory Affairs review of the latest “informational” letter, and each time I was told the letter was still pending Mr. [REDACTED] approval and was in his inbox.

In March/April 2017, TVA recognized this NCV would likely be reviewed during an upcoming NRC Biennial Baseline Problem Identification & Resolution Inspection (PI&R) scheduled for June 2017. Mr. [REDACTED] and Ms. [REDACTED] then directed that SQN draft a combined denial/backfit letter for the service life issue. Again, numerous versions of the letter were developed by SQN with TVA Office of General Counsel review/concurrence and site concurrence up to the Site Vice President, but again, Mr. [REDACTED] refused to sign the submittal, and would not provide written comments. Mr. [REDACTED] indicated he wanted to have an external expert review the submittal. He initially told me he would have [REDACTED] (Exelon lawyer) review the submittal, but later informed me he wanted [REDACTED] (Excel Energy) to review the submittal. I spoke to Mr. (b) (7)(C) [REDACTED] via telephone but never received any specific or written comments from Mr. [REDACTED]

(based on my conversations with Mr. [REDACTED] it was not clear to me that he received any specific direction/request from Mr. [REDACTED]. As it turned out, the NRC Biennial PI&R Inspection Team did not focus on this issue, and it then again began to linger at TVA. My perception was that this issue was no longer an immediate concern for TVA Corporate Regulatory Affairs (specifically Mr. [REDACTED] and Ms. [REDACTED] because they did not sense any immediate regulatory pressure to restore compliance. I continued to push TVA Corporate Regulatory Affairs to approve and submit the combined denial/backfit letter, and continued to emphasize that we were now in noncompliance for two years.

In November 2017, the SQN NRC Resident Inspectors indicated they were reviewing TVA's corrective actions for the 2015 Service Life NCV as part of their quarterly PI&R review. The SQN NRC Resident Inspectors concluded that SQN failed to implement corrective actions for the 2015 Service Life NCV. The resident inspectors and the NRC RII DRP Branch Chief, Mr. Anthony Masters, indicated the NRC planned to issue a new violation to SQN for this issue. They indicated the new violation would be a Cited Level IV Violation with the same wording as the original 2015 NCV, and would require TVA to respond to the new violation. I communicated this issue to Mr. [REDACTED], Ms. [REDACTED], and Mr. [REDACTED]. On 12/21/2017, Mr. [REDACTED] finally signed the denial/backfit letter, and it was submitted to the NRC. In June 2018, shortly after I was suspended from TVA, the NRC withdrew the Service Life NCV based on the Sequoyah denial.

2. Removal of Kirk Key Interlock

Based on the direction by Mr. [REDACTED] and Ms. [REDACTED] in November 2015, SQN revised the 2015 denial letter for the Kirk Key issue to be an "informational" letter. The revised letter went through a few iterations and was approved by Mr. [REDACTED] and submitted to the NRC in January/February 2016 timeframe. After the letter was submitted, I contacted NRC Region II Engineering

Branch Chief Mr. Jonathan Bartley to see if he had any questions on our submittal. Mr. Bartley was very professional, and indicated he did not have any questions, but again emphasized that TVA was out of process. He noted the NRC will review the “informational” letter, and would let TVA know if the information changed the NRC’s characterization of the issue as a violation. Mr. Bartley noted the NRC review would be given low priority as it was out of process, and the NRC had many higher priority responsibilities they were required to complete.

I contacted Mr. Bartley numerous times throughout 2016 and early 2017 to get status of the NRC review. Mr. Bartley was always very professional, noted he was having an independent engineer from his group review the information and had also requested NRR review, but again emphasized the NRC was not working to a specific schedule and that the NRC had no formal process for reviewing this type of letter. Following each conversation with Mr. Bartley, I communicated this information to Mr. [REDACTED] and Ms. [REDACTED] and I repeatedly communicated my concern that TVA neither denied nor corrected the violation, and as such, TVA had significantly regulatory exposure.

In March 2017, Mr. Bartley contacted me via telephone, and informed me that both NRC Region II and NRR completed their review of the TVA “informational” letter, and that both NRC RII and NRR upheld the original Kirk Key NCV. I communicated this information to Mr. [REDACTED] and Ms. [REDACTED] and I recommended that we submit a License Amendment Request (LAR) to the NRC and request NRC approval (after-the-fact) for removing the Kirk Key Interlock. I also indicated that I would like to consult with an external industry expert to obtain their perspective. I subsequently contacted an external industry expert (retired NRC Regional Administrator). The external industry expert concurred with my position and suggested TVA should prepare and submit a LAR, and get the issue corrected ASAP and behind us.

Mr. [REDACTED] then challenged me on the appropriateness of submitting a LAR, and provided no alternative direction/ suggestions for addressing the existing noncompliance (NCV). Similar to the Service Life issue, there was renewed concern that the NRC would review this issue during the 2017 PI&R Inspection, and TVA could face additional or escalated enforcement for failing to correct the 2015 violation.

I subsequently communicated with the TVA Corporate Licensing group (they work for Mr. [REDACTED] and Ms. [REDACTED]). The Corporate Licensing Group agreed that a LAR could be developed and could be completed and submitted by the end of August 2017. During the NRC PI&R Inspection, the NRC challenged TVA regarding the corrective actions for the Kirk Key NCV. I verbally told the NRC PI&R inspectors TVA would submit a LAR to request NRC approval, and that we expected to submit the LAR by the end of September 2017 (I gave this date to provide additional margin for the TVA Corporate Licensing Group in case they encountered delays in preparing the LAR). The NRC inspection team was satisfied with this proposed action. The TVA Corporate Licensing Group repeatedly extended the LAR submittal date and Mr. [REDACTED] continued to challenge the appropriateness of submitting a LAR, but never offered or suggested any other corrective action for addressing the noncompliance. I repeatedly communicated to Mr. [REDACTED] that submitting a LAR was the most appropriate corrective action (and that an external industry expert concurred), and that TVA had significant regulatory exposure for potential escalated NRC enforcement actions. The LAR was finally approved by Mr. [REDACTED] in February/March 2018, and submitted to the NRC.

The two issues described above created significant tension and distrust between TVA Corporate Regulatory Affairs and the Sequoyah Site Licensing Group.

Additional Information on Harassment, Intimidation and Retaliation

In March 2017, after Mr. Bartley informed me the NRC upheld the Kirk Key NCV, I pointed out that TVA Corporate Regulatory Affairs failure to follow TVA and NRC process and allow Sequoyah to deny the two 2015 NRC Mods Inspection violations created significant/ongoing regulatory exposure for TVA. I repeatedly recommended (during TVA Licensing Peer Team teleconferences and meetings) TVA Corporate Regulatory Affairs generate Condition Reports (CRs) to review these issues and develop immediate corrective actions to restore compliance and develop lessons learned/corrective actions/process changes to prevent recurrence. Corporate Regulatory Affairs repeatedly ignored my recommendation and refused to generate CRs. I subsequently generated two draft CR's and solicited input/comments from Corporate Regulatory Affairs prior to entering into the TVA Corrective Action Program. After the CR's were entered into Maximo, Ms. [REDACTED] closed the CR requesting lessons learned/corrective actions. Ms. [REDACTED] closed this CR to no actions needed. I challenged the appropriateness of closing the CR in this manner, and I requested that this issue be included on the subsequent Licensing Peer Team Meeting Agenda. The TVA Corporate Licensing CFAM at the time, Mr. [REDACTED] informed me that his manager (Ms. [REDACTED]) specifically directed that he not include this issue on the Peer Team Agenda. I subsequently called Mr. [REDACTED] and asked him whether he thought Ms. [REDACTED] closure of the CR to no action was appropriate. Mr. [REDACTED] responded, "Oh no, I am not answering that, I know who signs my paycheck." Mr. [REDACTED] from the Sequoyah Licensing Group was in my office during this phone call and can attest to Mr. [REDACTED] response.

On Friday May 4, 2018, in response to a routine weekly email request from the TVA Corporate Nuclear Regulatory Affairs organization regarding the weekly Licensing Peer Team Conference Call Agenda (this meeting is managed by the Corporate Licensing Cognizant Functional Area Manager), I recommended that TVA Corporate Nuclear Licensing perform a common cause evaluation of numerous recent TVA Fleet regulatory violations that appear to have originated from actions by the Corporate Office. The following are the specific items I identified and recommended be included in the Peer Team Agenda:

- 1) Failing to respond to or correct two SQN 2015 NRC Mods Inspection NCV's for over two years.
- 2) White Finding at SQN for Uncontrolled Safeguards Information (SGI) which came out of a past corporate project,
- 3) Individual site NCV's for recent Uncontrolled SGI at the Corporate Office,
- 4) 50.9 violation associated with TVA's response to WBN Chilled Worked Environment Letter (CWEL) ultimately leading to the 2017 Fleet Confirmatory Order; development of the response letter was led by the corporate office,
- 5) Data omitted from Radiological Emergency Plan (REP) by the corporate office which resulted in individual site NCV's, and
- 6) Recent data omitted from EPIP by the corporate office resulting in potential GTG Findings at BFN and WBN.

My specific written additions to the Face-to-Face Meeting Agenda are included as the email in Attachment 1. The actual Agenda issued by Corporate Licensing to the entire TVA Fleet Licensing is included as the email in Attachment 2, and omitted all of my specific examples. The Agenda simply noted that I would discuss some concerns during the meeting.

During the Monday May 7, 2018 TVA Licensing Peer Team call (there were representatives from all three TVA nuclear sites and

the TVA corporate office on this call), I explained that it seems unusual for actions taken by the nuclear fleet corporate office to cause site regulatory violations, and I listed the specific violations at TVA (i.e., the list of violations I provided in the email on Friday May 4, 2018). During this Peer Team call, [REDACTED] the Vice President of TVA Nuclear Regulatory Affairs, twice asked me if I was suggesting there was a problem with [REDACTED] organization ([REDACTED] is [REDACTED] manager and a TVA Senior Vice President reporting directly to the Chief Nuclear Officer). Mr. [REDACTED] pointed out that all the examples I described involved organizations that reported to Mr. [REDACTED] Mr. [REDACTED] accusation came across in a threatening manner; i.e., if I pushed these issues they would be presented to Mr. [REDACTED] as my personal accusations against his organization. I told Mr. [REDACTED] that I was not singling out any organization and I was only describing the examples of which I was aware. I recommended that we add this issue to the next Licensing Peer Team Monthly Face-to-Face Meeting Agenda, discuss as a Licensing Peer Team, and identify whether there were other examples and whether there may be a potential common cause issue. Mr. [REDACTED] agreed this should be added to the agenda for the monthly meeting. Ms. [REDACTED] voiced her disagreement, and opined that many of the issues seemed to be old legacy issues. I replied that the next Face-to-Face Meeting, with all three nuclear sites involved, would be a good opportunity to discuss whether any of the issues should be included or omitted from any subsequent common cause analysis. [Note that following my suspension on 5/25/18, this issue was completely deleted from the Licensing Peer Team Face-to-Face Agenda].

At approximately 1530 on Friday May 25, 2018, as I was leaving my office for the Memorial Day weekend, I was directed to meet my immediate manager (Mr. [REDACTED] at the Sequoyah Nuclear Plant Training Center in Soddy Daisy, TN. During our meeting, my manager informed me that I was immediately being placed on Administrative Leave (paid) and that my site access was being

suspended. He informed me that a recent TVA investigation concluded that I was responsible for harassing Ms. [REDACTED] [REDACTED] Director of Regulatory Affairs in the the TVA Corporate Office. In response to my question as to what I had done, he noted that my actions were determined to have undermined Ms. [REDACTED] ability to do her job. During our meeting, my manager informed me that my potential termination of employment with TVA was "on the table." My manager informed me that, although he had not yet seen the investigation report (at the time, my manager was a relatively new TVA employee having been hired in February 2018), he understands a recent (March 2018) personal text message from myself to Mr. [REDACTED] (TVA Corporate Nuclear Licensing) was a key part of the investigation. My manager advised me to develop and communicate to him ASAP, a recovery plan that included "actionable" and "measurable" criteria to demonstrate that I understand the seriousness of the offense and which will demonstrate a sincere effort to remedy the situation. My manager also recommended that I not contact or discuss this issue with Ms. [REDACTED] anyone in my Sequoyah Licensing Group, or anyone in TVA. My manager stated that he would meet with my direct reports on Tuesday May 29, 2018, and explain to them that I was out of the office due to personal reasons.

As I explained to my manager during our meeting on Friday May 25, 2018, and during subsequent phone calls, my referenced text message to Mr. [REDACTED] challenged why Corporate Nuclear Licensing was continuing to refuse to generate Condition Reports (Corrective Action Program CRs) for significant adverse issues at Sequoyah and within the TVA Nuclear Fleet which were caused by or had significant fingerprints of Corporate Licensing. I have made several previous challenges to Corporate Nuclear Licensing regarding this same concern for a variety of issues, and each time I have essentially been blown off.

Since I first started raising concerns in December 2015 about TVA Corporate Regulatory Affairs performance, the following actions have been taken against me: 1) in April 2016 I was accused by Ms. [REDACTED] of having an inappropriate relationship with one of her employees; the investigation was unsubstantiated but caused embarrassment and harm to my professional reputation [Note: I was subsequently informed by TVA Employee Concerns Program that Ms. [REDACTED] was actually the target of Ms. [REDACTED] accusation and that I was simply a “casualty” of the issue], 2) Ms. [REDACTED] told her direct reports that I had filed an Employee Concerns Program complaint against her and inaccurately told them that I was found guilty of creating a chilled work environment for Ms. [REDACTED]. I subsequently filed a concern with TVA ECP and met with the ECP Senior Program Manager; ECP investigated and substantiated my concern and told me that Ms. [REDACTED] would be disciplined for this issue, and 3) during the period of approximately April 2017 through October 2017, I was repeatedly called into my then manager's office ([REDACTED]) and accused of intentionally omitting Ms. [REDACTED] from emails and meeting invitations; I repeatedly denied these accusations. On October 4, 2017, my immediate manager (Mr. [REDACTED]) called me into his office and accused me of intentionally leaving Ms. [REDACTED] off of a meeting invitation that I sent earlier that same day. My manager told me that he received this complaint by a telephone call from [REDACTED] the Vice President of TVA Regulatory Affairs. I explained to my manager that, earlier that same day, the TVA Corporate Nuclear Security Director ([REDACTED], now retired) asked me to set up a meeting with he (Mr. [REDACTED]), myself and [REDACTED] the Vice President of Regulatory Affairs, to discuss a Sequoyah White Finding regarding Uncontrolled SGI and that is what I did; in fact, my discussion with Mr. [REDACTED] occurred just a couple of hours before Mr. [REDACTED] contacted my manager to complain. The next day, I met with my manager and told him that I considered the ongoing accusations from Mr. [REDACTED] and Ms. [REDACTED] to be harassment and that I wanted it to stop.

On Friday May 25, 2018, I was informed of my suspension. I believe Mr. [REDACTED] TVA Senior Vice President, was at the Sequoyah site on May 25, 2018, and met with my manager in a closed door meeting immediately prior to my manager informing me of my suspension.

On the morning of Wednesday May 30, 2018, my manager texted me and requested that I call him ASAP. I called my manager and he asked me if I had given thought to the personal recovery plan that he recommended on Friday May 25, 2018. I told my manager I would apologize for the text message to Mr. [REDACTED] and that TVA could perform a 360-degree performance assessment, and I was receptive to any additional corrective action based on the 360-degree assessment results. My manager noted he thought this was a very good plan, and would communicate it to the cognizant TVA management individuals.

On the evening of Wednesday May 30, 2018, my manager called me and informed me that my proposed recovery plan was well received, that termination was no longer being considered, but that I would receive a 2-day unpaid suspension. I told my manager that this issue has had a very significant emotional impact on me, and that I would like to use Annual Leave during the week of June 4, 2018; my manager verbally approved my Annual Leave.

On Thursday June 7, 2018, my manager called and informed me that I was not yet approved to return to work, and he was unsure if or when I would be approved, and, in response to my question, he noted that my possible termination was again on the table. My manager told me that I may get a call from either the TVA Office of General Counsel (OGC) investigator or TVA Human Resources (HR) with additional questions (I never received calls from either TVA OGC or HR). My manager stressed that both he and the Sequoyah Site Vice President fully supported me, and they were

trying to work through the process to get me back on site. He indicated the decision-making was now at the TVA corporate office in Chattanooga.

I have worked in the nuclear power industry for nearly 30 years, both as a USNRC regulator and with different licensees, and as a manager with an Appendix B Vendor. I take my job responsibilities very seriously and my focus is to ensure that Sequoyah and TVA comply with federal regulations to ensure public health and safety. I have been recognized for my good performance and the good regulatory counsel I have provided to TVA management, and in the past, to Southern California Edison management. I have a legal obligation to perform my job responsibilities in this manner. I am very well aware of the NRC enforcement action taken against Mr. [REDACTED], who was the Compliance Manager (comparable position to my position at Sequoyah) at the Davis Besse Nuclear Plant in 2002, when the reactor vessel head degradation issue was discovered. This operational experience constantly reinforces my personal and legal responsibilities to ensure TVA complies with federal regulations to ensure public health and safety. See Attachment 3 for the enforcement actions taken against Mr. (b) (7)(C) Mr. [REDACTED] and Ms. [REDACTED] actions are as egregious, if not more so, than those of Mr. (b) (7)(C) as they both knew that Sequoyah was in continual noncompliance and their actions directly prevented Sequoyah from restoring compliance for over two years. Their actions and high level positions as TVA senior managers/executives, may warrant similar individual NRC enforcement actions as was taken against Mr. [REDACTED]

I have established a strong positive professional reputation with my direct reports, my site management, my peers, and with NRC inspectors and management. My good performance is documented in my Annual Performance Reviews, including most recently, an outstanding performance award earlier in 2018. My 2017 Annual Performance Review included specific feedback

from NRC Region II senior management with respect to the trust they have in me (NRC RII management made this statement during a formal drop-in visit).

The issues I have encountered at TVA are all related to my raising certain safety and compliance issues, and challenging whether the TVA corporate office (TVA Corporate Licensing, and specifically Mr. [REDACTED] and Ms. [REDACTED] appropriately handled these issues. I understand the current actions taken against me were initiated by Mr. [REDACTED] and Ms. [REDACTED]

I believe the action taken by TVA on Friday May 25, 2018, in which they placed me on Administrative Leave, suspended my site access, and threatened potential termination, constitute ongoing Harassment, Intimidation and Retaliation. At the present time, I am still on Administrative Leave and have received no recent contact from TVA for about the past three weeks. This ongoing issue has thrown my life into disarray, as I have no idea whether I will still have a job, and I am actively searching for new employment.

Sincerely,

[REDACTED]



TVA CR Summary Report

Condition Report / Summary: 1262488 Follow Up on SQN 2015 NCV resolution

Condition Information

Status / Date: ARCHIVE - 04/21/2017 06:07 PM
 Initiating Depart: D1B1241000 - SITE LICENSING
 Owner Group: D1B6300000 - FLEET REGULATORY OPERATIONS
 Owner: PTOSGFCN9 - XXXXXXXXXX
 Unit: XXXXXXXXXX

Work Site / Org: NPG - Nuclear Power Group
 SBU: NPG - TVA NUCLEAR
 Significance Level: E
 Category: PRCS - Procedures/Processes
 Analysis Effort: NONE - None (Level 3)

CAP Due Date: 04/22/2017 05:23 PM
 BU: SQN - SQN NUCLEAR SITE
 REVCAP Due Date:
 Long Lead CA Date:
 Date of Regulatory Review: 02/14/2017 05:22 PM

Condition Report Details

Condition Details: NRC Inspection Report 05000327/2015007, 05000328/2015007, dated September 14, 2015, documented, in part, two Green NRC-identified Noncited Violations (NCVs) and a Severity Level IV (SLIV) violation as follows: 1) Green NCV of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," for failing to verify the adequacy of defined shelf life and design life characteristics of Class 1E Electrical equipment, 2) Green NCV of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," and SLIV violation of 10 CFR Part 50.59.c (2).ii, for implementing, without prior NRC approval, a modification that removed the kirk key interlocking system from the AC electric systems supplying the shared Essential Raw Cooling Water (ERCW) systems.

TVA subsequently performed an analysis of the violations in accordance with procedure NLDP-3, "Regulatory Analyses." A team consisting of SQN and Corporate Licensing and Engineering staffs, TVA Office of General Counsel, along with an external industry expert from MPR Associates, performed the Regulatory Analysis and concluded that SQN should contest the violations. In accordance with the instructions in the related NRC Inspection Report, SQN Licensing drafted a Denial Letter to contest the violations. Subsequently, on November 3, 2015, TVA Corporate Nuclear Licensing (CNL) management personnel met with NRC management in the NRC RII Office, and discussed TVA's position regarding the violations. Based on the 11/3/15 meeting, CNL management concluded that a clarification letter, vice a denial letter, should be submitted to the NRC. A clarification letter regarding the kirk key interlock was prepared and submitted to the NRC on January 8, 2016. A clarification letter regarding the service life issue was prepared but was never submitted to the NRC (SQN concurrences up to and including the Site Vice President were obtained, but the letter was never approved/signed by CNL). Rather than submit the clarification letter regarding service life, it was decided to try to resolve this issue via inclusion in a draft NRC Regulatory Issues Summary (RIS). As of February 13, 2017, the NRC has not responded to the clarification letter regarding the kirk key interlock, and it does not appear the service life issue will be addressed in an NRC RIS. Consequently, SQN has neither contested nor taken corrective actions for the 2015 violations, and could face additional uncertain NRC enforcement actions.

This CR should be assigned to CNL for the following action to address the current situation:
 1. Evaluate decision-making and strategy leading up to the current situation, and any needed corrective actions.

This CR should be related to CR 1262490

Initial Actions Taken Details: Discussed with CNL management personnel and generated this CR.

Suggested Solution Details: Per 2/14/17 discussion with CNL CFAM, this CR will be assigned to CNL for action.

08/15/2018 12:16 PM

CR Review

Corrective Action? Yes
 Corrected Immediately?
 Immediate Actions Taken:
 Non-Issue (Close)? No
 Non-Issue Justification:
 Recommend WO?
 Create WO Options: TOPLEVEL - Create Top Level Work Orders



TVA CR Summary Report

Condition Report / Summary: 1262488 Follow Up on SQN 2015 NCV resolution

Originating Appl: ESCALATION

ID:

Is Global Issue?

Subject: Condition Report [1262488] has been created.

Message: Site: NPG

Location:

Description: Follow Up on SQN 2015 NCV resolution

Details: NRC Inspection Report 05000327/2015007, 05000328/2015007, dated September 14, 2015, documented, in part, two Green NRC-Identified Noncited Violations (NCVs) and a Severity Level IV (SLIV) violation as follows: 1) Green NCV of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," for failing to verify the adequacy of defined shelf life and design life characteristics of Class 1E Electrical equipment, 2) Green NCV of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," and SLIV violation of 10 CFR Part 50.59.c.(2).ii, for implementing, without prior NRC approval, a modification that removed the kirk key interlocking system from the AC electric systems supplying the shared Essential Raw Cooling Water (ERCW) systems.

TVA subsequently performed an analysis of the violations in accordance with procedure NLDP-3, "Regulatory Analyses." A team consisting of SQN and Corporate Licensing and Engineering staffs, TVA Office of General Counsel, along with an external industry expert from MPR Associates, performed the Regulatory Analysis and concluded that SQN should contest the violations. In accordance with the instructions in the related NRC Inspection Report, SQN Licensing drafted a Denial Letter to contest the violations. Subsequently, on November 3, 2015, TVA Corporate Nuclear Licensing(CNL) management personnel met with NRC management in the NRC RII Office, and discussed TVA's position regarding the violations. Based on the 11/3/15 meeting, CNL management concluded that a clarification letter, vice a denial letter, should be submitted to the NRC. A clarification letter regarding the kirk key interlock was prepared and submitted to the NRC on January 8, 2016. A clarification letter regarding the service life issue was prepared but was never submitted to the NRC (SQN concurrences up to and including the Site Vice President were obtained, but the letter was never approved/signed by CNL). Rather than submit the clarification letter regarding service life, it was decided to try to resolve this issue via inclusion in a draft NRC Regulatory Issues Summary (RIS). As of February 13, 2017, the NRC has not responded to the clarification letter regarding the kirk key interlock, and it does not appear the service life issue will be addressed in an NRC RIS. Consequently, SQN has neither contested nor taken corrective actions for the 2015 violations, and could face additional uncertain NRC enforcement actions.

This CR should be assigned to CNL for the following action to address the current situation:

- 1. Evaluate decision-making and strategy leading up to the current situation, and any needed corrective actions.

- Initial Actions Taken: Discussed with CNL management personnel and generated this CR.

- Suggested Solution: Per 2/14/17 discussion with CNL CFAM, this CR will be assigned to CNL for action.

-- RICH TEXT -->

Created By: U [redacted]
 [redacted] 32 PM
 To: [redacted]
 cc:
 bcc:
 Inbound?



TVA CR Summary Report

Condition Report / Summary: 1289450 Capture learnings related to SQN violations

Condition Information

Status / Date: ARCHIVE - 06/08/2017 02:07 PM
 Initiating Depart: D1B6300000 - FLEET REGULATORY OPERATIONS
 Work Site / Org: NPG - Nuclear Power Group
 SBU: NPG - TVA NUCLEAR
 CAP Due Date: 07/07/2017 11:32 AM
 BU: NESS - ENGINEERING & SUPPORT SERVICES

Owner Group: D1B6300000 - FLEET REGULATORY OPERATIONS
 Significance Level: E
 Category: PRCS - Procedures/Processes
 REVCAP Due Date:
 Long Lead CA Date:
 Date of Regulatory Review: 04/28/2017 02:03 PM

Owner: TFULZ9PE8 - [REDACTED]
 Unit:
 Analysis Effort: CLS - Close - No Further Action Required (Level 4)

Condition Report Details

Condition Details: Capture additional licensing team learnings related to TVA not submitting a denial letter immediately following two SQN violations from 2015 50.59 and Modifications Inspections. This CR should be related to CR 1262488.

Initial Actions Taken Details: Additional learnings were discussed with the licensing peer team meeting on 4/28/17.

Suggested Solution Details: Assign E Level to CNL to document additional learnings discussed on 4/28.

 Licensing Rep at PSC this morning stated the documented learnings will be attached to this CR

Detection Method: LO - Line
Condition Tag:
Operation Shift Review Required?
 Plant System: NPG Not Applicable
 Internal Priority:
Procedures: Document

Asset Information

Asset:
Location:
 TVA UNID:
Additional Location Details:
 Asset Site: NPG - Nuclear Power Group
 Unit:
 System:
Emergency Preparedness:

Multiple Assets and Locations

User Information

Originator ID: PTOSGFCN9 - (b)(7)(C)
 Phone: [REDACTED]

On Behalf Of: [REDACTED]
 Phone: [REDACTED]

08/15/2018 12:01 PM



TVA CR Summary Report

Condition Report / Summary: 1289450 Capture learnings related to SQN violations

Sent: Thursday, April 27, 2017 2:55 PM

Subject: RE: CR [1262488] Notification of Closure

With respect to the closure text for CR 1262488, I think we may be missing some important learning opportunities if we do not take the time to be self-critical and better document the critical thinking that went into some of the decision making and communications. Below are what I believe are the most salient points that need to be addressed in the CR and which are not addressed by the current closure text:

• Decision Making (Process/Basis) – Per procedure NLDP-3, we identified and sequestered a multi-disciplined team (Site and Corporate Licensing, Site and Corporate Engineering, OGC and external expertise from MPR Associates) to conduct a detailed Regulatory Analysis of the NCV's. The initial Regulatory Analysis concluded we should deny both NCV's. We then decided against the conclusion of the Regulatory Analysis, and chose a path forward that was not in accordance with any TVA or NRC process. There was much site reservation with pursuing an approach that was out of NRC process. Prior to and following submittal of the Clarification Letter on the Kirk Key Interlock issue, the NRC Region II Engineering Branch Chief noted on several occasions that there was no NRC process for reviewing this type of submittal and that it would become very low priority for the NRC; he repeatedly informed us the NRC has a process for denying a violation and NRC encourages licensees to use the denial process if they disagree with violations. There seem to have been some missed opportunities to either rethink our path forward or re-engage NRC Region II management to ensure understanding/alignment with our planned Clarification Letter.

• Communications (internal to TVA and external to NRC) – The Service Life clarification letter went through several iterations in December 2015 and January 2016 to address CNL feedback. The final revision was concurred on by SQN (up to and including the SVP) in January 2016, and provided to CNL. In late January/early February 2016, it was noted that CNL management concurred on the revised letter, and the letter was with the CNL VP for

signature. During the next several months, each time SQN inquired about the status of the letter, we were told it was still with the CNL VP for signature. In late 2016, when CNL designated a new Acting CFAM, the status of the letter and SQN's corrective actions for the NCV's was again questioned. In early 2017, CNL communicated to SQN Licensing that the clarification letter was never submitted because a decision was made to try to resolve the issue via the RIS (the basis for this decision was not communicated and its uncertain if this decision was previously communicated to the NRC).

The recent SQN management 4/19/17 drop-in visit with NRC Region II senior management underscored some of the potential communication gaps; during the drop-in visit, NRC RII senior management again re-emphasized that they encourage licensees to communicate disagreements with violations during inspection exit meetings and to utilize the NRC denial process for such disagreements. NRC management suggested it would have been much better for TVA to have utilized that process for the Service Life NCV.

I think it would be valuable for Fleet Licensing to discuss these issues during tomorrow's Peer Team Meeting and consider either revisiting CR 1262488 or generating a new CR to ensure we capture

From: [Redacted]
Sent: Wednesday, August 15, 2018 1:40 PM
To: Checkle, Melanie
Subject: [External_Sender] Text messages

Melanie,

Attached are a series of screenshots from my iPhone regarding text messages between myself and (b) (7)(C) [Redacted] (Corporate Regulatory Affairs CFAM). You will see there is overlap between the screenshots, but I was unable to print the text message as one continuous text.

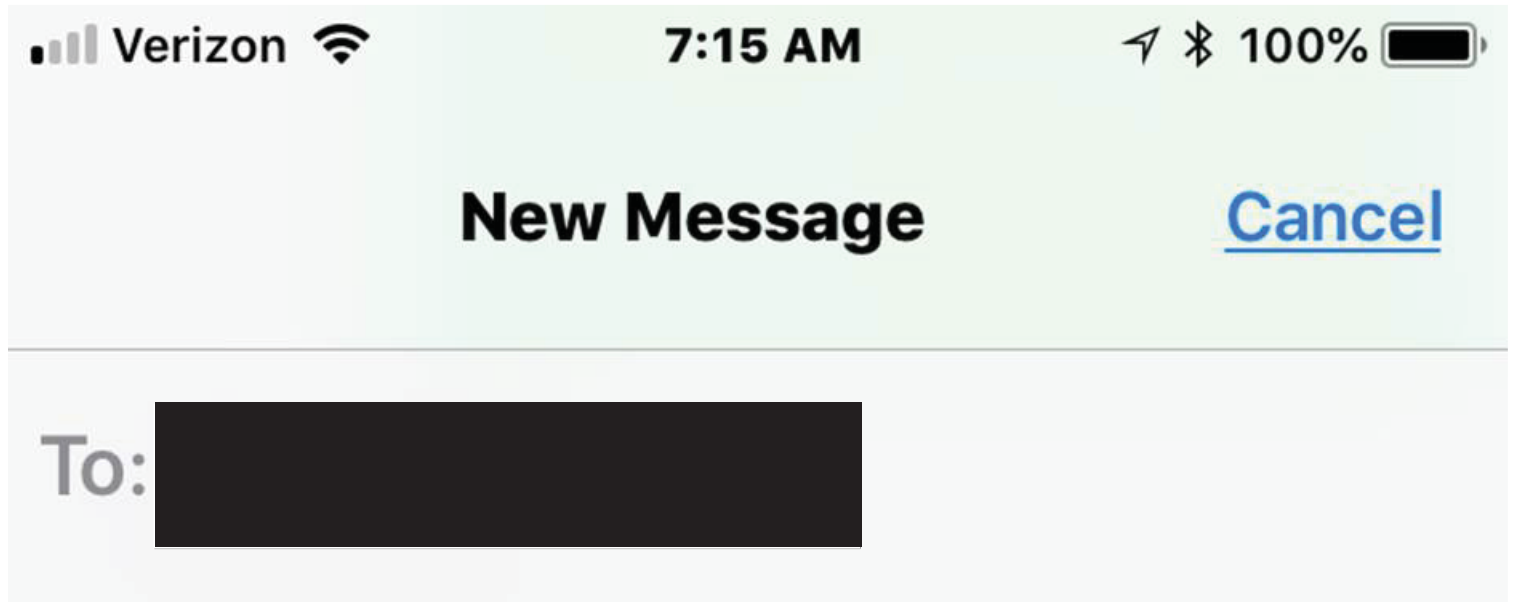
I believe this text message is what my management referred to and what led to my current suspension. I was told my text message undermined Ms. [Redacted] ability to do her job and constituted harassment. The [Redacted]” referred to in the first shot is Mr. [Redacted] Corporate Licensing Manager, who reports to Ms. [Redacted]. [Redacted]’s Group was preparing the LAR to resolve the Kirk Key NCV.

Please let me know if you have any questions or wish to discuss.

Sincerely,

[Redacted]

>
>
>



Tue, Mar 6, 6:51 PM

[Redacted] said you two did

talk... Still want to get together?

Yes, I still want to discuss the bigger issue and get aligned on a new CR to drive corrective action to prevent Corp from putting a site in this position without first communicating with the site. I can draft the CR and we can use



Text Message



>
>
>

Verizon

7:15 AM

100%

New Message[Cancel](#)

To:



the site. I can draft the CR and we can use Thursday's timeslot to discuss. I also need a firm date as to when [REDACTED] or [REDACTED] will sign the LAR since I am now being asked to sign another 2-week extension to the CR action. I am very reluctant to extend the

reluctant to extend the action for a fourth time without a firm date for submitting. This issue should take priority over the CDBA URI's



Text Message



>
>
>

Verizon

7:16 AM

100%

New Message

[Cancel](#)

To:



reluctant to extend the action for a fourth time without a firm date for

submitting. This issue should take priority over the CDBA URI's as it has resulted in continuous high regulatory exposure for the site, and we have no control over it.

Thanks for the download... I did check in with [redacted] and [redacted] to stay current and my understanding is the



>
>
>

Verizon

7:16 AM

100%

New Message[Cancel](#)

To:

download... I did check in with [REDACTED] and [REDACTED] to stay current and my understanding is the LAR will fly this week. I think [REDACTED] is delegating signature to [REDACTED].
Would Friday still mean a CR extension? We obviously can talk

Thursday no matter what about this and the EQ URIs. BTW, for the URIs and I'm not sure what you were told, but it was just for me to get caught up



Text Message



>
>
>

Verizon

7:16 AM

100%

New Message

[Cancel](#)

To:



what about this and the EQ URIs. BTW, for

the URIs and I'm not sure what you were told, but it was just for me to get caught up with [REDACTED] and [REDACTED] on the way ahead and to review whatever's ready ([REDACTED] and [REDACTED] had asked for that a while ago...).

[REDACTED] I understand and did not mean to take things out on you. Our two biggest regulatory exposure issues over



Text Message



>
>
>

Verizon

7:16 AM

100%

New Message

[Cancel](#)

To:

[Redacted]

[Redacted]

... I understand and did not mean to take things out on you. Our two biggest regulatory exposure issues over the past two years are the Service life NCV and the ERCW Kirk Key LAR, and the exposure was directly created by

repeated poor decision making by Corp Regulatory Affairs senior management (not you). You and I both know it took the threat of a cited NOV



Text Message



>
>
>

Verizon

7:16 AM

100%

New Message

[Cancel](#)

To



(not you). You and I

both know it took the threat of a cited NOV by NRC to force our service life denial. This ERCW issue is going down the same path. I understand who "signs the paychecks" at Corp Reg Affairs, but at some point somebody needs to demonstrate the leadership courage to speak up when something is wrong. The sites get



Text Message



>
>
>

Verizon

7:16 AM

100%

New Message

[Cancel](#)

To:



Somebody needs to demonstrate the leadership courage to speak up when something is wrong. The sites get hammered to follow process and CRs MUST be generated when we don't see

when we don't. Joe and [REDACTED] blow off procedures and everybody in Corp Reg Affairs are afraid or refuse to write a CR; e.g., 1) site followed process for the Service Life and EPCW/NCV's



Text Message



>
>
>

Verizon

7:16 AM

99%

New Message

[Cancel](#)

To:



everybody in Corp Reg Affairs are afraid or refuse to write a CR; e.g., 1) site followed process for the Service Life and ERCW NCV's and Corp Reg Affairs ignored process resulting in current situation, 2) [REDACTED] and [REDACTED] repeatedly blow off explicit procedure requirements to participate in Peer Team meetings... SQN has repeatedly pointed this out yet a CR has



Text Message



Verizon

7:16 AM

99%

New Message

[Cancel](#)

To:



repeatedly blow off explicit procedure requirements to participate in Peer Team meetings... SQN has repeatedly pointed this out yet a CR has never been generated, 3) there are/were

procedure requirements with Confirmatory Orders and Corp Reg Affairs immediately ignored them upon receipt of 2017 CO, 4) I wrote two CRs documenting



Text Message



>
>
>

Verizon

7:16 AM

99%

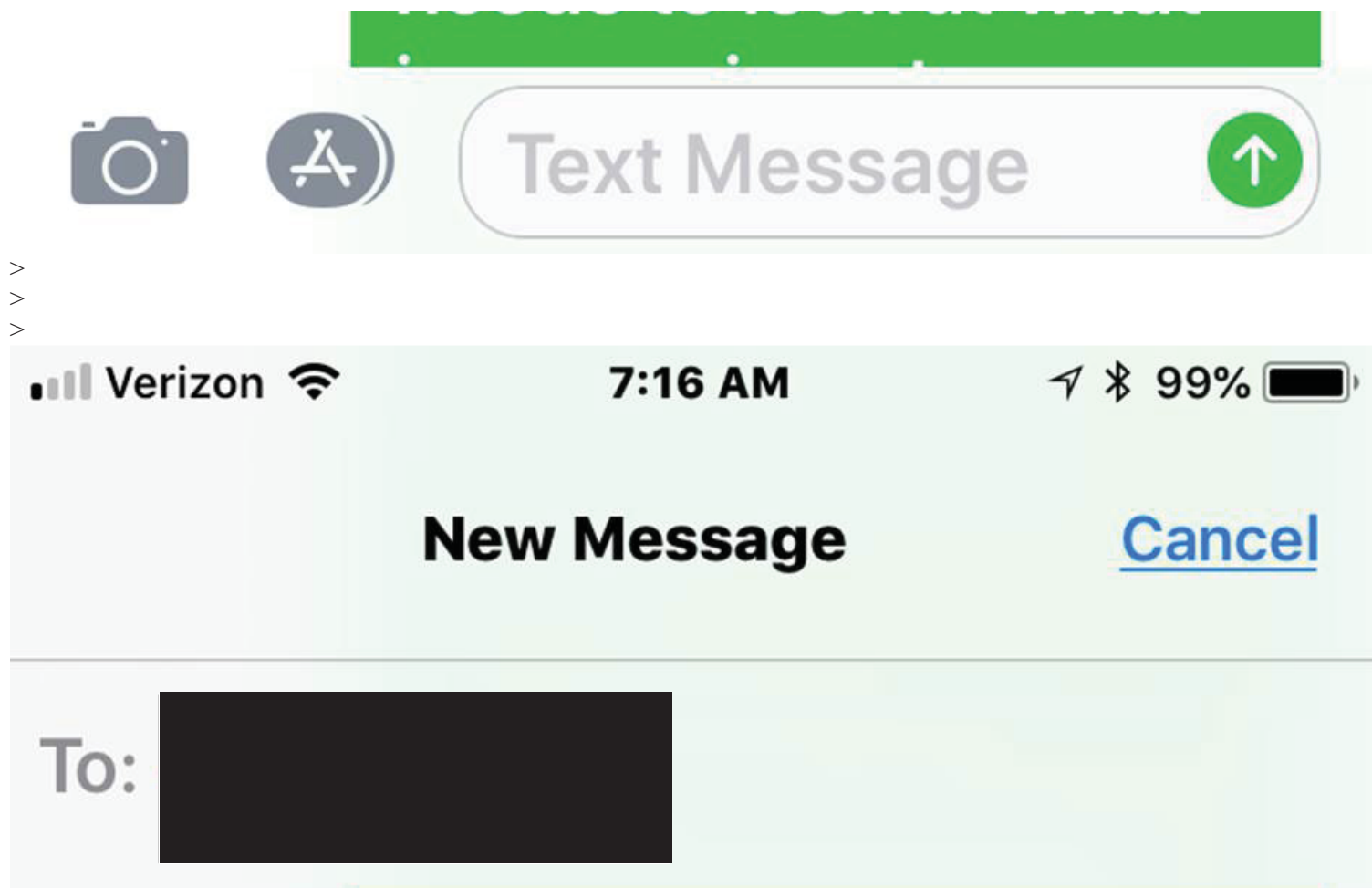
New Message

[Cancel](#)

To:



and Corp Reg Affairs immediately ignored them upon receipt of 2017 CO, 4) I wrote two CRs documenting the issues with handling of Service Life and ERCW NCV's and both were closed to no action... I received feedback that the CRs were closed because they were only "E" level... I was told that came from Erin. CFAM oversight needs to look at what



because they were only "E" level... I was told that came from Erin. CFAM oversight needs to look at what is occurring at corporate as well as the sites. It seems like

the sites. It seems like all the issues in Corp Reg Affairs is swept under the rug or ignored. These are major issues with significant SCWE implications.

At what point will



Text Message



>
>
>

Verizon

7:16 AM

99%

New Message

[Cancel](#)

To:



Reg Affairs is swept under the rug or ignored. These are major issues with significant SCWE implications.

At what point will somebody in Corp Reg Affairs speak up?

Ok - let's talk Thursday at the site then.. I do need to be at COC for a 1630 exec briefing so as long as I make

that. BTW, I'm aware



Text Message 

- >
- >
- > Sent from my iPhone