

From: JSheaIA-Hearing Resource
Sent: Saturday, February 13, 2021 11:58 AM
To: JSheaIA-HearingNPEM Resource
Subject: [External_Sender] Updated response re OI Case No. 2-2018-33
Attachments: [External_Sender] Updated response re OI Case No. 2-2018-33.pdf; Attachment A Chronology of CNL Contacts with ECP FINAL.pdf; Attachment B Licensing Snapshot Report.docx; 181127 ltr to Scott Luina from Chandler_Redacted.pdf

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1095

Mail Envelope Properties (3c08661907f242949f4601011545493d)

Subject: [External_Sender] Updated response re OI Case No. 2-2018-33
Sent Date: 2/13/2021 11:57:47 AM
Received Date: 2/13/2021 11:57:50 AM
From: JShealA-Hearing Resource

Created By: JShealA-Hearing.Resource@nrc.gov

Recipients:
"JShealA-HearingNPEm Resource" <JShealA-HearingNPEm.Resource@nrc.gov>
Tracking Status: None

Post Office: HQPWMSMRS02.nrc.gov

Files	Size	Date & Time	
MESSAGE	3	2/13/2021 11:57:50 AM	
[External_Sender] Updated response re OI Case No. 2-2018-33.pdf			1003642
Attachment A Chronology of CNL Contacts with ECP FINAL.pdf			51973
Attachment B Licensing Snapshot Report.docx			21851
181127 ltr to Scott Luina from Chandler_Redacted.pdf			603752

Options
Priority: Normal
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:

From: [Chandler, Christopher C](#)
To: [Luina, Scott](#)
Cc: [Chandler, Christopher C](#)
Subject: [External_Sender] Updated response re OI Case No. 2-2018-33
Date: Tuesday, November 27, 2018 4:18:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Attachment A Chronology of CNL Contacts with ECP FINAL.pdf](#)
[Attachment B Licensing Snapshot Report.docx](#)
[181127 ltr to Scott Luina from Chandler.pdf](#)

Hi Scott,

Please see the attached response, which I believe covers your outstanding information requests. If you can let me know who is the right point of contact in NRC OGC, I will reach out to discuss implementing an agreement to share the unredacted report of investigation. And, of course, if I've omitted something, or if you have any other questions, please just let me know.

Thanks!
Chris

Christopher Chandler
Associate General Counsel, Nuclear
Office of the General Counsel

Tennessee Valley Authority
400 W. Summit Hill Drive
Knoxville, Tenn. 37902

865-632-7774 (w)
202-631-3367 (m)
ccchandler0@tva.gov



NOTICE: This electronic message transmission contains information that may be TVA SENSITIVE, TVA RESTRICTED, or TVA CONFIDENTIAL. Any misuse or unauthorized disclosure can result in both civil and criminal penalties. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the content of this information is prohibited. If you have received this communication in error, please notify me immediately by email and delete the original message.

CONFIDENTIAL AND BUSINESS SENSITIVE

Chronology of Corporate Nuclear Licensing (CNL) Contacts with ECP

Date	Activity	Outcome	Notes
October 2014	ECP-CHA-2014-006-CC (Concern) Retaliation/CWE	Substantiated Corrective Action Letter issued	Termination of supplemental worker created chilled work environment (CWE) in CNL
May 2015	NEC-15-00530 (Contact) Management Personnel/Personnel Conflict	No action required	Incident in which CNL employee was disrespectful toward a QA employee Concern was handled by HR
December 2015	NEC-15-01192 (Contact) HIRD	No action required	Fear of retaliation; Belief that there is a cultural bias against reporting unanalyzed conditions CI did not wish to file
January 2016	Pulsing conducted	No chilled work environment identified; some work environment issues not related to NSQ identified	Report provided to management
January 2016	NEC-16-00132 (Contact) Misconduct/Technical	No action required	Prevailing attitudes at the sites of ignoring CNL advice; sites failing to write CRs or notifying NRC of unanalyzed conditions CI did not wish to file
May 2016	Pulsing conducted	No chilled work environment identified;	Report provided to management Comments noted overall improvements, although percentage results on ratings had not significantly changed from January 2016.
June 2016	NEC-16-00576 (Contact) HIRD	Closed as other contact	Concern from Senior Manager that an employee stated they were experiencing a hostile work environment from Nuclear Duty Officers
July 2016	NEC-16-00638 (Concern) HIRD and CWE alleged	Not substantiated Precursors identified Corrective Action Letters being issued	Harassment and Retaliation for Protected Activity/Chilled Work Environment

Summary - Since October 2014 ECP has had six intakes related to CNL.

- Classification of issue types is as follows:
 - Retaliation/HIRD- 4
 - Chilled Work Environment-2
 - Management Personnel (HR type issue) -1
 - Misconduct-1
 - Technical-1
- Two investigations have been conducted into concerns about retaliation. Though the most recent concern was not substantiated, precursors were identified to be addressed in the concern (NEC-16-00638).
- Pulsing surveys were conducted in January 2016 and May 2016 . While there was no indication of a chilled work environment in either survey, some comments continue to indicate a need for improvements in communication and trust.
- Based on the above there appears to be a trend of work environment concerns raised in CNL. Though no NSQ issues are involved actions should be taken to ensure that a degraded work environment does not develop.

TVA Confidential Information

Special Pulsing Summary

July 12, 2018

Background

TVA's Vice President of Nuclear Regulatory Affairs and Support Services (NRASS VP) contacted the Employee Concerns Program (ECP) and communicated that a site Licensing employee had raised concerns that there is a reluctance among site and corporate NRASS employees to express differing views and concerns to or about NRASS using the Corrective Action Program (CAP). It should be noted that site Licensing employees report to their respective nuclear plant sites, while the NRASS employees report to NRASS.

ECP conducted a special snapshot pulsing to specifically focus on the level of comfort employees have for using CAP to raise concerns and express differing views.

It should be noted that this pulsing is described as "special" because it varies from the established pulsing survey used by ECP to assess the Safety Conscious Work Environment (SCWE). Whereas the typical survey contains between 11 and 13 questions to examine various aspects of the work environment, the pulsing used in this instance contained only four questions. These questions were narrowly focused on the issue that was brought to the attention of the VP.

It should be noted that ECP has handled two prior concerns raised about the work environment in Licensing by this same individual. Most of the concerns centered around conflict between the concerned individual and NRASS Management. ECP partially substantiated one concern about retaliation and issued a Requirement to Act Letter. (NEC-17-00683 -July 24, 2017), ECP did not substantiate one other similar concern filed by the same individual (NEC-17-00410 April 17, 2017). In 2017 the Licensing work environment was also examined by the NRC, with no findings of a chilled work environment.

Prior to the pulsing, an interview was conducted with the NRASS Manager of Regulatory Compliance to whom the concern was originally voiced. This interview revealed that the employee did not raise the issue because of concern about any current action on the part of NRASS. Instead the issue was a reiteration of past concerns that NRASS does not always support an environment conducive for differing opinions, particularly about NRASS's decision making.

Despite the fact that these issues have been raised and appropriately addressed in the past, ECP adheres to the practice of receiving each concern on its own merit and evaluating the facts currently presented. It should also be noted that the Sr. Manager of Regulatory Affairs has expressed concern that the repeated accusations by the site Licensing employee has created a hostile work environment. NRASS management is addressing the Sr. Manager's concern in separate proceedings. To ensure independence and objectivity ECP has no role in those proceedings and has not reviewed the results or findings.

The special pulsing was provided electronically to a total of 29 employees including members of the Licensing organizations at WBN, SQN, BFN and Corporate. 58% responded. Six participants opted not to reveal their location.

Pulsing Responses

The questions and responses are as follows:

1. I would use the Corrective Action Program to raise Nuclear Safety or Quality concerns.
Response: 87.5% - yes 12.5% - no
2. I would use the Corrective Action Program to raise concerns not related to Nuclear Safety or Quality.
Response: 68.8% - yes 18.8% maybe 12.5% - no
3. I would use the Corrective Action Program to raise concerns related to actions or decisions made by Corporate Licensing.
Response: 43.8% - maybe 37.5% - yes 18.8% - no
4. I can raise issues about actions or decisions made by Corporate Licensing without fear of retaliation.
Response: 50% - yes 38% - no 13% - maybe

Summary of Comments

- One comment suggested that there may be a preference for having face to face discussions as opposed to using CAP for issues that are not related to Nuclear Safety or Quality. This could be considered an indication that employees are comfortable speaking their concerns or differing opinions directly to management.
- Another comment indicated that all management encourages and supports the use of CAP.
- Two comments indicated a distrust for Corporate Management's receptivity differing views.

Conclusion

Overall it appears that the majority of respondents would use CAP to report Nuclear Safety or Quality concerns. However there is room for improvement in employee willingness to use CAP for other concerns, and willingness to raise issues related to decision making.

Recommendation

Efforts should be made to ensure that the environment for using the CAP to raise issues and questions decision making is healthy. It is understood that the Licensing organization will consider this report as part of a comprehensive review of work environment issues in Licensing.



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902

November 27, 2018

Senior Special Agent Scott Luiña
Office of Investigations, Region II
U. S. Nuclear Regulatory Commission
245 Peachtree Center Avenue, NE Suite 1200
Atlanta, Georgia 30303-1257

**Re: NRC Office of Investigations Additional Requests for Documents
(OI Case No. 2-2018-033)**

Dear Special Agent Luiña:

This letter is in response to your additional requests for documents relating to the above-captioned complaint.

In acknowledging receipt of our original letter on October 24, 2018, you requested an unredacted copy of the report of investigation compiled by our office. We are still examining the mechanism by which we may be able to provide the document while preserving the attorney–client privileged information. I hope to have more information about that effort in the near future. In that same email, you requested a document entitled “Chronology of CNL Contacts with ECP.” That document is included as Attachment A. Please note that the document lists several items that are entirely unrelated to Mr. McBrearty’s allegation or Ms. Henderson’s complaint of harassment, and so those files would not be responsive to your request.

In our initial response, I committed to providing you any outstanding ECP files relating to complaints filed by Mr. McBrearty. The enclosed Licensing Snapshot Report, Attachment B, appears to be the last responsive ECP file that we have not yet disclosed. I am not aware of any other ECP complaints filed by Mr. McBrearty.

Please note that TVA withholds ECP records from public disclosure under the Freedom of Information Act. Because disclosure of these records could undermine confidence in the program, we request they be withheld from public disclosure under 10 C.F.R. § 2.390(a)(5).

You also requested the names and contact information of TVA managers who were involved with the decision to place Mr. McBrearty on administrative leave pending investigation. These are listed below:

Name	Title	Telephone
Mike Balduzzi	Chief Nuclear Officer	[REDACTED] (mobile)
David Czufin	SVP, Engineering and Operations Support	(423) 751-8594 (office)
Steve Bono	SVP, Nuclear Operations	(423) 751-5808 (office)
Joe Shea	VP, Nuclear Regulatory Affairs	(423) 751-6887 (office)
Tony Williams	VP, Sequoyah Nuclear Plant	(423) 843-7001 (office)

Mr. Balduzzi has since retired to his home in Montana, but to the best of my knowledge his mobile number is unchanged. The managers listed here were all involved in empaneling the investigation into Ms. Henderson's complaint.

Finally, I believe we have identified the right mechanism for providing a copy of the unredacted investigation without waiving the privilege associated with certain information contained therein: an agreement pursuant to Federal Rule of Evidence 502. I will contact Patrick Moulding in the NRC's Office of the General Counsel to develop the agreement, but if there is someone else in that office with whom you work regularly, please let me know and I will contact that attorney.

The enclosed records, along with the condition report I provided by email, should complete your outstanding document requests. Please let me know if you have any other questions or requests for records.

Sincerely,



Christopher C. Chandler
Associate General Counsel, Nuclear

Enclosures