

From: JShealA-Hearing Resource
Sent: Monday, February 15, 2021 7:47 PM
To: JShealA-HearingNPEm Resource
Subject: Emailing: 2-2018-033-Case Chronology
Attachments: ML21042A027_OI case chrono_Redacted.pdf

From: JShealA-Hearing Resource
Sent: Sunday, February 14, 2021 4:39 PM
To: JShealA-HearingNPEm Resource <JShealA-HearingNPEm.Resource@nrc.gov>
Subject: <A E>

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1263

Mail Envelope Properties (5ac16cdd1ad74445a5dd1f683f6a3f2f)

Subject: Emailing: 2-2018-033-Case Chronology
Sent Date: 2/15/2021 7:46:36 PM
Received Date: 2/15/2021 7:46:37 PM
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	183	2/15/2021 7:46:37 PM
ML21042A027_OI case chrono_Redacted.pdf		561173

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

From: Luina, Scott
Sent: Monday, December 28, 2020 10:42 AM
To: JShealA-Hearing Resource
Subject: Emailing: 2-2018-033-Case Chronology
Attachments: 2-2018-033-Case Chronology.pdf

Your message is ready to be sent with the following file or link attachments:

2-2018-033-Case Chronology

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Hearing Identifier: JShea_IA_NonPublic
Email Number: 794

Mail Envelope Properties (DM8PR09MB683945706DF69E86E78F4806FBD90)

Subject: Emailing: 2-2018-033-Case Chronology
Sent Date: 12/28/2020 10:42:11 AM
Received Date: 12/28/2020 10:42:14 AM
From: Luina, Scott

Created By: Scott.Luina@nrc.gov

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

Post Office: DM8PR09MB6839.namprd09.prod.outlook.com

Files	Size	Date & Time
MESSAGE	324	12/28/2020 10:42:14 AM
2-2018-033-Case Chronology.pdf		123430

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

CASE CHRONOLOGY

Facility: SEQUOYAH 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2018-033 Date Opened: 08/22/2018

Date **Activity**
08/23/2018 Case documents received and reviewed.

Investigative Plan submitted for SAIC review/approval.

Scheduled Alleger interview for September 4, 2018, in Santa Cruz, CA.

09/04/2018 Traveled from ATL to San Jose, CA, then drove to Santa Cruz, CA

Conducted interview of Alleger.

Traveled back to San Jose, CA

09/05/2018 Traveled from San Jose, CA, to ATL.

09/18/2018 received alleger transcript.

submitted alleger transcript to EICS for technical and prima facie review.

09/24/2018 Case review completed on this date.

09/26/2018 Received DOL complaint from MCBREARTY's attorney. Began review of documents.

10/02/2018 requested the following documents from TVA Legal Counsel:

All ECP related documents regarding McBrearty located at Sequoyah or TVA Corporate. According to McBrearty, he raised concerns to the site ECP and was not sure if they opened an official ECP investigation but was told they at least evaluated or "looked into" his concerns. He spoke with Inza HAGINS-DYER (sp?)

All HR investigation related documents regarding McBrearty either at site or corporate. According to McBrearty he was interviewed by HR about an inappropriate relationship with another TVA employee.

Any documentation related to McBrearty being placed on paid administrative leave pending an investigation in May 2018.

Also, can you provide a copy of CR 1262488

10/11/2018 requested a status update on the previous document request to TVA.

10/18/2018 UPDATE FROM TVA ATTORNEY:

I just wanted to give you a quick status update. I'm still waiting on a couple of things from Employee Concerns, so it's likely I won't be able to complete the response until early next week. If it looks like it will be any longer than that, we will plan to send an initial response and follow up afterward with whatever the remainder is. Thanks for your patience, and please let me know if you have any questions.

10/22/2018 Case Review conducted on this date.

10/24/2018 Requested un-redacted copy of the OGC Analysis for the report

Requested an embedded document from the ECP report related to a chronology of ECP matters related to the Corporate Nuclear Licensing.

CASE CHRONOLOGY

Facility: SEQUOYAH 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2018-033 Date Opened: 08/22/2018

10/24/2018 received several TVA documents to include the formal complaint from HENDERSON, the TVA OGC analysis and several ECP related documents. these documents are pending a review and analysis by OI:RII.

11/01/2018 Requested CR 1289450 from Chandler, Chris (TVA OGC)

11/15/2018 Requested from CHANDLER (TVA Attorney) an update...Wanted to follow up on my two previous requests (un-redacted OGC report and the embedded chronology from the ECP letter).

Also, your letter to my office dated October 23, 2018, referencing this matter mentioned that in May 2018, a draft version of the report was provided to "TVA Nuclear management." Who is this? Who and when specifically was the draft report provided? Who specifically in TVA Management was provided the information and made the decision to place MCBREARTY on administrative leave? Please provide their names, titles and contact information. If there are any documents (meeting minutes, emails, etc.) that are related to this discussion or decision process please provide those as well.

11/27/2018 Chandler provided requested documents and related the TVA OGC is reviewing if the un-redacted copy of the internal report can be provided based upon attorney client privilege. TVA OGC requested to have a POC and discussion with NRC OGC on releasing the report.

11/28/2018 OI:RII provided the DOL position papers to NRC OGC after they were asked for advice since TVA OGC was hesitant to provide the un-redacted report and requested to speak with NRC OGC.

11/29/2018 Chandler provided the TVA DOL position paper and exhibits for OI review and consideration.

11/30/2018 Case review conducted.

12/14/2018 OI received from MCBREARTY's attorney the response to TVA's DOL position paper.

12/19/2018 OI began a review of the TVA and Alleger position papers and document provided to date and developed a interview list.

12/20/2018 Case review conducted.

01/02/2019

[REDACTED]

[REDACTED]

01/23/2019 OI:RII spoke with Chris CHANDLER from TVA OGC who provided an unredacted copy of the TVA OGC report.

01/23/2019 Case Review conducted.

01/24/2019 OI:RII provided a copy of the TVA OGC un-redacted report to NRC OGC and RII Regional Counsel for review.

OI:RII has a scheduled meeting with NRC OGC and RII Regional Counsel for Monday, January 28, 2019, to discuss the prima facie concerns related to this investigation.

01/28/2019 Phone call with Regional Counsel and OGC, EICS, HQ staff to discuss prima facie. No decision was made on if PA existed or not. Will contact OI for another discussion.

02/04/2019

[REDACTED]

[REDACTED]

02/21/2019 OI requested the following from TVA OGC (Chandler)

1. The following ECP/HR reports contained a summary of the findings and closure letters. I need the supporting documents (interview records, intake forms, etc.).

HR report into CONNER and MCBREARTY's alleged relationship

ECP report NEC-16-00638

CASE CHRONOLOGY

Facility: SEQUOYAH 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2018-033 Date Opened: 08/22/2018

ECP report NEC-17-00410

ECP report NEC-17-00638

2. How many direct reports does HENDERSON currently have? Since she started in Corporate Nuclear Licensing in September 2015, how many of her direct reports have been on PIPs or were "performance managed?" Also, I need the name of someone in TVA HR that I can interview about this issue.

3. Since September 2015, has anyone else (besides MCBREARTY) filed a concern with ECP and/or HR related to HENDERSON?

4. Are there any documents related to the management decision to place MCBREARTY on administrative leave?

02/27/2019 Began to contact TVA Management that was involved in decision to place MCBREARTY on admin leave:

Mike Balduzzi former CNO, [REDACTED] retired, lives in Montana, LM, 2/27/2019

David Czufin, SVP Engineering and Operations Support, 423 751-8594, LM on 2/27/2019

Steve Bono, SVP Nuclear Operations, [REDACTED] 423-751-7786, requested OGC Chandler on 2/27/2019

Joe Shea, VP Nuclear Regulatory Affairs, 423 751-6887, requested OGC Chandler on 2/27/2019

Tony Williams, VP Sequoyah Nuclear Plant (now at Watts Bar), 423 365-8767, LM on 2/27/2019.

02/27/2019 Case Review

03/01/2019 All TVA management interviewees have requested to be represented by TVA OGC.

CHANDLER related for logistical and planning purposes the witnesses would be available the week of March 25, 2019, since they are being interviewed by DOL that week.

03/21/2019 Interview of Amanda POLLAND scheduled .

03/25/2019 Case Review

03/28/2019 Traveled to Chattanooga, TN

Conducted interview of SHEA and WILLIAMS

03/29/2019 Conducted interview of David CZUFIN.

04/22/2019 received transcripts which are pending review.

04/25/2019 Case review

05/07/2019 Completed review of SHEA, WILLIAMS and CZUFIN transcripts.

Scheduled interview of Al DODDS for May 16, 2019.

05/16/2019 Conducted interviews of Ralph A. DODDS and Peter R. WILSON

05/17/2019 Case review

05/21/2019 Conducted interview of Inza HAGINS-DYER and Thomas A. HESS.

05/22/2019 Conducted interview of Dennis G. DIMOPOULOS.

CASE CHRONOLOGY

Facility: SEQUOYAH 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2018-033 Date Opened: 08/22/2018

05/23/2019 Conducted interviews of Edward D. SCHRULL and Deanna L. FULTS

05/28/2019 Conducted interview of James T. POLICKOSKI.

06/03/2019 Case Review

06/11/2019 Traveled to Chattanooga, TN and conducted an interview of Amanda E. POLAND and Steven M. BONO

06/12/2019 Traveled to Chattanooga, TN and conducted an interview of Jonathan T. JOHNSON and Erin K. HENDERSON

06/24/2019 Case Review conducted.

07/25/2019 Continued review/analysis of transcripts and documents.

07/26/2019 Case Review

08/06/2019 Requested from CHANDLER (TVA OGC) the following documents:

POLAND mentioned during her interview that TVA Discipline Policy had changed. Could you please provide the policy that was in effect before MCBREARTY was released (May 2018) and after he was released as mentioned by POLAND.

The DOL Position Paper from TVA (February 11, 2019)

08/13/2019 Traveled to Etowah, TN and conducted an interview of Jonathan BARTLEY

Traveled to Sequoyah Nuclear Plant and conducted an interview of Jonathan JOHNSON.

08/15/2019 Conducted an interview of Wesley DESHAINE NRC

08/15/2019 Reviewed documents received from CHANDLER

Requested additional revision # procedures and another procedure from CHANDLER.

08/26/2019 Case Review conducted.

08/27/2019 Conducted a follow-up telephone interview with Ed SCHRULL to ask a clarifying question. He resides in Dallas, TX now.

08/27/2019 scheduled interview with Zachary KITTS for August 28, 2019 at Sequoyah

Contacted Alesia JUSTICE for an interview

Sent emails to SCHRULL and MCBREARTY for follow-up questions.

08/28/2019 Traveled to Sequoyah and interviewed Zachary KITTS

08/28/2019 Traveled to Sequoyah and interviewed Zachary KITTS

09/04/2019 Briefed Sara KIRKWOOD, OGC, about this investigation and the results. [REDACTED]

09/09/2019 Submitted draft ROI and Exhibits for SAIC review.

09/18/2019 [REDACTED]

09/23/2019 Case review conducted

10/01/2019 [REDACTED]

CASE CHRONOLOGY

Facility: SEQUOYAH 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2018-033 Date Opened: 08/22/2018

10/03/2019

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10/03/2019 Case was closed (substantiated) on October 3, 2019.

08/24/2020 EA-20-006
EA-20-007
SUBJECT: TENNESSEE VALLEY AUTHORITY - NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY – \$606,942, NRC OFFICE OF INVESTIGATIONS REPORT NUMBERS 2-2018-033 AND 2-2019-015

08/24/2020 IA-20-009
Erin Henderson
SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NOS. 2-2018-033 AND 2-2019-015

08/24/2020 DELETE