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OI INVESTIGATION INFORMATION

Title: Interview of James Polickoski

Docket Number: 2-2018-033

Location: Chattanooga, Tennessee

Date: Tuesday, May 28, 2019

Work Order No.: NRC-0381

Pages 1-83

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : OI Case No.

JAMES T. POLICKOSKI : 2-2018-033

(CLOSED) :

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Tuesday,

May 28, 2019

Tennessee Valley Authority

Chattanooga, Tennessee

The above-entitled interview was conducted

at 12:10 p.m.

BEFORE:

Senior Special Agent SCOTT LUINA

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APPEARANCES:

On Behalf of the Interviewee, TVA, and Other
Individuals Involved in this Investigation:

CHRISTOPHER C. CHANDLER, ESQ.

Office of the General Counsel

Tennessee Valley Authority

400 West Summit Hill Drive, WT 6A-K

Knoxville, Tennessee 37902

865-632-7317

ccchandler0@tva.gov

1 P-R-O-C-E-E-D-I-N-G-S

2 12:10 p.m.

3 SR. SPECIAL AGENT LUINA: All right,
4 today's date is May 28, 2019; the time is now 12:10
5 p.m. This interview is being conducted with James
6 Thomas Polickoski, P-O-L-I-C-K-O-S-K-I, who is
7 currently employed by the Tennessee Valley Authority,
8 or the TVA, as a manager in the Regulatory Compliance.

9 We are here at the TVA corporate office,
10 which is also the location of today's interview, in
11 Chattanooga, Tennessee.

12 As I explained to you, Jim, I am Special
13 Agent Scott Luina, L-U-I-N-A, with the Nuclear
14 Regulatory Commission's Office of Investigations,
15 Region 2 Field Office, out of Atlanta, Georgia. Also
16 present at your request is Mr. Chris Chandler, C-H-A-
17 N-D-L-E-R, who is an attorney with the TVA's Office of
18 General Counsel.

19 And I'll ask you some questions about his
20 presence here today, but before I do that, I need to
21 remind you this interview is being recorded, as you
22 can see in front of you. I need to ask you, sir, are
23 you recording or otherwise transmitting this interview
24 right now?

25 MR. POLICKOSKI: No, sir.

1 MR. LUINA: All right, thank you. And
2 Chris, same question to you.

3 MR. CHANDLER: No, sir.

4 SR. SPECIAL AGENT LUINA: All right, thank
5 you. Also, as I explained to you, this interview will
6 be conducted under oath. Do you have any objections
7 to providing information under oath today?

8 MR. POLICKOSKI: No.

9 SR. SPECIAL AGENT LUINA: All right, good.
10 If you could you please raise your right hand with me?
11 Mr. Polickoski, do you swear the testimony that you
12 are about to provide today will be the truth, the
13 whole truth, and nothing but the truth, so help you
14 God?

15 MR. POLICKOSKI: Yes, sir.

16 SR. SPECIAL AGENT LUINA: All right, thank
17 you, appreciate you doing that.

18 I got some questions I need to ask you.
19 Did we ask everyone that requests counsel to be
20 present -- legal counsel to be present that also
21 represents you, the company. I need to ask you, sir,
22 is Mr. Chandler representing you personally in regard
23 to this investigation?

24 MR. POLICKOSKI: He's representing the
25 company in support of me.

1 SR. SPECIAL AGENT LUINA: And you, he's
2 representing you -- yeah, representing you as an
3 employee of the company.

4 MR. POLICKOSKI: Right.

5 SR. SPECIAL AGENT LUINA: Do you
6 understand the purpose of his presence here today?

7 MR. POLICKOSKI: I do.

8 SR. SPECIAL AGENT LUINA: Do you
9 understand that Mr. Chandler also represents the
10 company and potentially other individuals involved in
11 this matter?

12 MR. POLICKOSKI: I do.

13 SR. SPECIAL AGENT LUINA: Does your
14 employer require you to have an attorney present when
15 you are interviewed by the NRC's Office of
16 Investigations?

17 MR. POLICKOSKI: It's not required, no.

18 SR. SPECIAL AGENT LUINA: Were you in any
19 way threatened with an adverse action if you did not
20 request corporate counsel today?

21 MR. POLICKOSKI: Oh, no.

22 SR. SPECIAL AGENT LUINA: Do you
23 understand that you can have a private interview with
24 me at your convenience?

25 MR. POLICKOSKI: I do you understand that.

1 SR. SPECIAL AGENT LUINA: You do you
2 understand that? Okay. With that understanding, do
3 you still want Mr. Chandler present as your
4 representative today?

5 MR. POLICKOSKI: I do.

6 SR. SPECIAL AGENT LUINA: Do you feel that
7 you would suffer any adverse consequences from your
8 employer if you would have elected not to have
9 personal representation here today?

10 MR. POLICKOSKI: No.

11 SR. SPECIAL AGENT LUINA: Will your
12 testimony in this matter be inhibited in any way by
13 Mr. Chandler's presence?

14 MR. POLICKOSKI: Not at all.

15 SR. SPECIAL AGENT LUINA: With the
16 knowledge that Mr. Chandler represents you and your
17 employer concurrently in this matter, if you had
18 knowledge of information which you believe to be
19 adverse to your employer, would you still feel free to
20 provide such information in your testimony here today?

21 MR. POLICKOSKI: Yes.

22 SR. SPECIAL AGENT LUINA: All right, any
23 questions about anything?

24 MR. POLICKOSKI: No, sir.

25 SR. SPECIAL AGENT LUINA: All right, Mr.

1 Chandler, if you could please explain for the record
2 who you are employed by and your purpose for being at
3 today's interview.

4 MR. CHANDLER: Sure, my name is
5 Christopher Chandler, I am the Associate General
6 Counsel for Nuclear in the Office of General Counsel
7 of the Tennessee Valley Authority. I am here on
8 behalf of TVA and on behalf of Mr. Polickoski in his
9 capacity as a TVA employee.

10 SR. SPECIAL AGENT LUINA: Okay, any
11 questions about any of that?

12 MR. POLICKOSKI: No, sir.

13 SR. SPECIAL AGENT LUINA: And then I
14 guess, yeah, Chris, do you see any type of conflict in
15 that representation as of right now?

16 MR. CHANDLER: I do not.

17 SR. SPECIAL AGENT LUINA: Okay, good. All
18 right, well like I mentioned, if you could kind of
19 give me some background information about yourself and
20 explain what your experience is in the nuclear
21 industry and other sites you held -- positions you
22 worked at, things like that would be great.

23 MR. POLICKOSKI: Yeah, sure. I'm a
24 training, naval -- nuclear training was Naval Nuclear
25 Power, so I was -- served on two ships, one was

1 nuclear, and that's as a engineering and watch
2 officer, so it was commercial equivalent of like a
3 unit sup. (phonetic) SRO.

4 SR. SPECIAL AGENT LUINA: You an Annapolis
5 grad? I saw --

6 MR. POLICKOSKI: Annapolis grad, yeah.

7 SR. SPECIAL AGENT LUINA: -- that's on
8 here.

9 MR. POLICKOSKI: And then after some stops
10 and career with commercial manufacturing, and as well
11 as working at a Navy lab as an engineering manager,
12 came back to the nuclear industry as a inspector in
13 Region 2 for the Nuclear Regulatory Commission.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: Was a Regional Inspector
16 for one to two years, that was also part of my
17 training quals, then was a Resident Inspector at the
18 V.C. Summer Station, as well as doing multiple team
19 inspections leading and participating, as well as
20 doing hurricane event coverage in those years.

21 Changes in NRC headquarters as a -- I keep
22 saying DORL all the time, Division of Operator Reactor
23 Licensing within the Nuclear -- the Office of Nuclear
24 Reactor Regulation, NRR, at NRC headquarters for a
25 number of years for Region 4, which is the western

1 plants with primary responsibility for Diablo Canyon
2 and Calloway.

3 And then following a deployment to
4 Afghanistan, because I'm active Navy Reservist, came
5 back to the flex group, so a lot of experience on the
6 post Fukushima actions. And then from there,
7 transition to TVA.

8 I've always -- my, my, I've always worked
9 for -- the Chattanooga corporate office, but for the
10 first two years, I was sent on projects supporting the
11 three sites. Worked for a year at Watts Bar
12 supporting unit two licensing relative to fire
13 protection.

14 And then at Sequoyah, they had a
15 inspection challenge relative to fire protection as
16 well that took a number of months, and then finally a
17 Browns Ferry issue investigation inspection challenge
18 relative to their high pressure coolant injection
19 system, HPCI, and then -- and then came to corporate
20 substantively in 2017.

21 I'll be honest, I'm trying to remember
22 exactly when I arrived, but that's when I've actually
23 first sat in the chair at corporate for real. And
24 then came to corporate as the Acting Corporate
25 Functional Area Manager for licensing and then the

1 name changed to Reg Affair -- Regulatory Affairs, and
2 then -- then got the chair permanently following a
3 posting process.

4 And then there was a human resources title
5 change to the Manager of Regulatory Compliance, which
6 also incorporates the CFAM function with it. And so
7 -- so that's then from 2017 till now.

8 SR. SPECIAL AGENT LUINA: Okay.

9 MR. POLICKOSKI: So I still carry the CFAM
10 function even though the title changed.

11 SR. SPECIAL AGENT LUINA: Okay. When did
12 you work in the NRC, what were your dates of
13 employment out there approximately?

14 MR. POLICKOSKI: I left -- let me get the
15 back end in first --

16 (Simultaneous speaking.)

17 MR. POLICKOSKI: -- I left September of
18 '14.

19 SR. SPECIAL AGENT LUINA: September '14,
20 okay.

21 MR. POLICKOSKI: And I entered -- it was
22 -- if I remember correctly, it was December of '04.

23 SR. SPECIAL AGENT LUINA: December of '04,
24 you think?

25 MR. POLICKOSKI: Yeah.

1 SR. SPECIAL AGENT LUINA: Okay.

2 MR. POLICKOSKI: I can come back to you
3 and get my official resume out.

4 SR. SPECIAL AGENT LUINA: That's all right.
5 That -- and when, when --

6 MR. POLICKOSKI: As I've gotten older some
7 of that has started to fade.

8 SR. SPECIAL AGENT LUINA: And when did you
9 -- what month and year do you think you came into TVA,
10 was it?

11 MR. POLICKOSKI: It was September of '14.

12 SR. SPECIAL AGENT LUINA: '14, okay, so
13 right after that. Okay.

14 MR. POLICKOSKI: It was day for day.
15 Friday I worked for the NRC; Monday I worked for TVA.

16 SR. SPECIAL AGENT LUINA: And then you
17 said you were -- you were corporate pretty much at
18 that point?

19 MR. POLICKOSKI: Corporate by formal --
20 HR, human resources organizational chart.

21 SR. SPECIAL AGENT LUINA: Okay.

22 MR. POLICKOSKI: But first two years, I
23 was a project lead for various projects in the fleet.

24 SR. SPECIAL AGENT LUINA: At those
25 different sites, okay, and then --

1 MR. POLICKOSKI: Yeah, didn't physically
2 sit at corporate.

3 SR. SPECIAL AGENT LUINA: And then acting
4 CFAM position 2017, do you know --

5 MR. POLICKOSKI: 2017 and then --

6 SR. SPECIAL AGENT LUINA: You know
7 approximately what month -- that's fine.

8 MR. POLICKOSKI: I'd rather get back to
9 you because --

10 SR. SPECIAL AGENT LUINA: That's fine.

11 MR. POLICKOSKI: -- I don't remember
12 exactly when, to be honest.

13 SR. SPECIAL AGENT LUINA: Definitely '17,
14 okay. '19 CFAM, that's fine.

15 MR. POLICKOSKI: Okay.

16 SR. SPECIAL AGENT LUINA: And then it --
17 so in '17 when you -- or I guess when you started your
18 role in corporate in September of '14, has your
19 supervisor changed, or who you report directly to?

20 MR. POLICKOSKI: So the organization
21 structure had shifted multiple times. My direct
22 supervisor when I was employed was Vice President Joe
23 Shea, and then -- and then during the times I was
24 projects, I worked for Eugene Cobey.

25 And then after that org shift, I worked

1 for Erin Henderson, and that was right as I was
2 finishing up my project work at the sites. And then
3 when I came downtown, Erin Henderson has been my
4 supervisor for the duration.

5 SR. SPECIAL AGENT LUINA: Okay. Did she
6 become your supervisor, I guess, when she got into
7 that role at corporate?

8 MR. POLICKOSKI: Yeah, she relieved --
9 yes.

10 SR. SPECIAL AGENT LUINA: Yes.

11 MR. POLICKOSKI: She relieved Gene Cobey
12 in that role. The organization shifted a couple
13 times, titles and --

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: -- change, but
16 substantively, yes.

17 SR. SPECIAL AGENT LUINA: All right. And
18 that's E-R-I-N Henderson?

19 MR. POLICKOSKI: E-R-I-N.

20 SR. SPECIAL AGENT LUINA: Supervisor,
21 okay.

22 MR. POLICKOSKI: And that's S-O-N, H-E-N-
23 D-E-R-S-O-N.

24 SR. SPECIAL AGENT LUINA: And do you have
25 any direct reports? Do you have any people that

1 report directly to you?

2 MR. POLICKOSKI: I do.

3 SR. SPECIAL AGENT LUINA: Like, what
4 titles, I guess, and --

5 MR. POLICKOSKI: I have two Senior Program
6 Managers and one Data Management Analyst, and one
7 vacancy.

8 SR. SPECIAL AGENT LUINA: And, I guess,
9 who are they? I guess, what are their names?

10 MR. POLICKOSKI: Oh --

11 SR. SPECIAL AGENT LUINA: That will be
12 helpful, I guess.

13 MR. POLICKOSKI: One Senior Program
14 Manager is Jeff Sowa, Jeffrey Sowa's his given name.

15 SR. SPECIAL AGENT LUINA: Thanks.

16 MR. POLICKOSKI: S-O-W-A. Russell
17 Thompson is the other Senior Program Manager, and the
18 Data Management Analyst is Alesia Justice, A-L-E-S-I-
19 A.

20 SR. SPECIAL AGENT LUINA: Okay. Alesia
21 Justice, okay. All right, and so what are your daily
22 responsibilities and duties as this, as -- well, you
23 said -- okay, a title change happened to what the
24 current title is, Regulatory Compliance Manager?

25 MR. POLICKOSKI: Manager Regulatory

1 Compliance, which incorporates the CFAM function.

2 SR. SPECIAL AGENT LUINA: Was that -- when
3 did that occur? Approximately?

4 MR. POLICKOSKI: It was in 2018, but --

5 SR. SPECIAL AGENT LUINA: 2018, that's
6 fine.

7 MR. POLICKOSKI: This is not a -- I don't
8 remember the exact month, but I recall it was in the
9 summer, but I can get back to you if that's critical
10 information.

11 SR. SPECIAL AGENT LUINA: Yeah, it's not
12 critical, it's just -- a ballpark's good, 2018 time
13 frame the title change. Was that title change only,
14 or is that a promotion of some sort or?

15 MR. POLICKOSKI: It was a promotion.

16 SR. SPECIAL AGENT LUINA: It was a
17 promotion, okay. And did that happen with other CFAMs
18 as well, I guess or?

19 MR. POLICKOSKI: It was --

20 SR. SPECIAL AGENT LUINA: In corporate?

21 MR. POLICKOSKI: -- it was an
22 organizational parity challenge that our CFAM role,
23 and the role was below the other CFAMs and --

24 SR. SPECIAL AGENT LUINA: Oh, at other
25 licensees --

1 MR. POLICKOSKI: There was some industry
2 benchmarking done on structure on and so, part of the
3 initiative with Erin and Joe Shea was to create the
4 right structure based on industry benchmarks, and as
5 well as within the fleet.

6 SR. SPECIAL AGENT LUINA: Okay.

7 MR. POLICKOSKI: And we were not the same
8 organization like our industry peers or with our
9 fellow CFAMs. So there was a balancing. Now, that's
10 the part I understand; if there was other parts of it
11 I wasn't made aware, so.

12 SR. SPECIAL AGENT LUINA: Okay.

13 MR. POLICKOSKI: But it was part of --

14 SR. SPECIAL AGENT LUINA: So there was
15 other restructuring that happened besides your job
16 change, I guess --

17 MR. POLICKOSKI: Yeah, so --

18 SR. SPECIAL AGENT LUINA: -- 2018?

19 MR. POLICKOSKI: Right, so there's two
20 main -- there was the group was three main groups
21 within. There was compliance, which was my area.

22 To quickly explain it, it's the existing
23 license now, it's ensuring we stay com -- we comply
24 with it at all three sites, and managing inspection
25 challenges, reportability, that sort of thing, was the

1 licensing group. I know it sounds like we're like
2 terms, but licensing is the actual tech spec
3 amendments, license amendments, relief requests.
4 They're generating changes they work with NRC
5 headquarters to formally get stuff approved.

6 SR. SPECIAL AGENT LUINA: Yeah.

7 MR. POLICKOSKI: And compliance deals with
8 already approved and, you know, ensuring we're staying
9 --

10 SR. SPECIAL AGENT LUINA: The day-to-day
11 type of stuff.

12 MR. POLICKOSKI: The day-to-day, day-to-
13 day life. So their time frame is further out, my --
14 time frame is more near term.

15 SR. SPECIAL AGENT LUINA: Okay.

16 MR. POLICKOSKI: Then we had a third group
17 that dealt with industry and NRC engagements, so
18 rulemaking, changes down the road. Stuff that has
19 many months and years in working with NEI, Nuclear
20 Energy Institute, as our, as our, you know, interface
21 agent with the NRC long outlook.

22 And so part of it was other industry peers
23 have similar setups, compliance sometimes can be more
24 focused towards the sites or focused towards
25 corporate. We chose a model, and it was just aligning

1 towards that.

2 SR. SPECIAL AGENT LUINA: Okay, all right.
3 So again, but again, so there were other title changes
4 and people moving around in 2018 besides just yourself
5 and --

6 (Simultaneous speaking.)

7 MR. POLICKOSKI: Right, so for example I
8 said earlier Licensing and Reg Affairs, for example,
9 that was a formal change. We used to be Corporate
10 Licensing, now we're Nuclear Regulatory Affairs. And
11 you might hear in like other utilities, reg assurance
12 or --

13 SR. SPECIAL AGENT LUINA: Yeah.

14 MR. POLICKOSKI: And it was to get in line
15 with our utility brethren.

16 SR. SPECIAL AGENT LUINA: Okay.

17 MR. POLICKOSKI: So the terms are
18 interchangeable when we deal with our industry
19 partners.

20 SR. SPECIAL AGENT LUINA: All right, and
21 -- since -- well, when he worked out here, Mr. Mike
22 McBrearty, M-C, Mc, B-R-E-A-R-T-Y --

23 MR. POLICKOSKI: McBrearty, yeah.

24 SR. SPECIAL AGENT LUINA: -- McBrearty,
25 did you have interaction with him on a professional

1 level at all, like on a -- and how would you -- how
2 frequently?

3 MR. POLICKOSKI: When he worked downtown
4 other than just --

5 (Simultaneous speaking.)

6 SR. SPECIAL AGENT LUINA: -- temporary
7 time?

8 MR. POLICKOSKI: -- introducing myself and
9 knowing who he was and knowing -- him knowing me, I
10 had no interaction or reporting relationship with him
11 when he worked downtown. When I first met him, he
12 worked downtown.

13 SR. SPECIAL AGENT LUINA: Okay, yeah, when
14 he -- he was covering here at corporate for a little
15 while, are you talking about that time period?

16 MR. POLICKOSKI: Well, I don't know if it
17 was covering. He was -- he was an actual promotion to
18 move downtown.

19 SR. SPECIAL AGENT LUINA: Okay.

20 MR. POLICKOSKI: He used to be the Site
21 Licensing Manager at Sequoyah. Then he got promoted
22 by Joe Shea, moved downtown was my understanding.
23 That's the history I was told. And then he -- I'll be
24 honest, I don't -- I don't -- I didn't probably have
25 a good understanding of the division of work between

1 all the managers downtown because I was never here.

2 SR. SPECIAL AGENT LUINA: Yeah.

3 MR. POLICKOSKI: I was always working kind
4 of very narrow projects at the sites. I knew he owned
5 a group here. And -- but I know he was permanently
6 assigned here, that I do know.

7 SR. SPECIAL AGENT LUINA: That's fine, all
8 right.

9 MR. POLICKOSKI: And then -- and then I
10 didn't work with -- I didn't work with him on a
11 professional basis at all while I was at the sites
12 until he eventually became the Site Licensing Manager
13 at Sequoyah again.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: I do know he went to EP
16 Manager, Emergency Preparedness Manager, after
17 corporate, and then after he was EP Manager at
18 Sequoyah, then he moved to Site Licensing Manager.

19 And that was the first time I worked with
20 him in any professional basis was at that point, that
21 Sequoyah project I mentioned showed itself that I was
22 leading and --

23 SR. SPECIAL AGENT LUINA: The fire
24 protection issue?

25 MR. POLICKOSKI: Right, I had to do some

1 interface with him because he was eventually the
2 manager in place.

3 SR. SPECIAL AGENT LUINA: Okay. All
4 right, and so then when he was at -- when he became
5 the Site Licensing Manager at Sequoyah, and I know
6 that fire protection issue, but when you were done
7 with that event and you were back here at corporate,
8 did you have interactions --

9 MR. POLICKOSKI: Well, I went to -- I went
10 to Browns Ferry next.

11 SR. SPECIAL AGENT LUINA: Browns, okay,
12 Browns Ferry next, then you came here.

13 MR. POLICKOSKI: Yeah.

14 SR. SPECIAL AGENT LUINA: And then would
15 you have interaction with him on site issues at
16 Sequoyah?

17 MR. POLICKOSKI: Yes, because now I'm in
18 role and so -- so as the CFAM, the -- I'm not sure --
19 let you understand. So this is an -- TVA did not
20 invent this structure, this is sort of an industry
21 benchmark structure. We operate what is called a GOES
22 process, Governance, Oversight, Execution, Support.

23 SR. SPECIAL AGENT LUINA: Yeah.

24 MR. POLICKOSKI: So in compliance, which
25 is this area, the site's own execution of compliance,

1 which is working with the Resident Inspectors, working
2 with reportability as well there's other documentation
3 like SRO licenses, and FSAR updates, Final Safety
4 Analysis Report updates.

5 And in that role, they own almost all the
6 execution, but as the CFAM, I own the G, O, and S
7 part, which is the governance, which is writing the
8 procedures because for the most part, we have fleet
9 procedures in this discipline; oversight, making sure
10 the site's following those procedures; and then
11 support, like if we have an impactful inspection,
12 let's say they have a person who is out on leave or
13 sick or something, we provide some of our staff to
14 beef up that site staff.

15 And only in a rare case would we
16 transition to true execution, and it could be because
17 of a skill set they don't have, or whatever.

18 But the way the role is set up, and this
19 is important to understand from the CFAM function, is
20 it's written explicitly that CFAM has 51 percent of
21 the vote.

22 So there is a -- while there's -- there's
23 definitely a support angle, in the end if we feel they
24 are not executing correctly per our governance, per
25 regulation, then we ultimately overrule.

1 SR. SPECIAL AGENT LUINA: Overtule the
2 Site Licensing Managers?

3 MR. POLICKOSKI: Correct.

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. POLICKOSKI: Yeah, that is the role,
6 and so it's a peer team process. So the only word I
7 didn't mention yet was peer team. So the peer team by
8 our -- by our procedure, is the CFAM at corporate, the
9 three managers at each of the three sites, and then
10 the corporate sponsor, executive sponsor in this case,
11 it would be the VP of Reg Affairs, which is Joe Shea.

12 SR. SPECIAL AGENT LUINA: Okay.

13 MR. POLICKOSKI: And so that makes up the
14 peer team. And so it's mutual support. We peer check
15 each other, we change it, we help change our
16 governance to improve our processes, make more
17 efficient, that sort of thing, and in rare cases, but
18 it's not never, the CFAM has to -- I have to --
19 exercise my role due to either, you know, view that
20 the site's not executing correctly, strategic
21 direction of the company wrong -- our view is wrong
22 interpretation of regulation. It could be myriad
23 reasons. But it's rare, but it's not never.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. POLICKOSKI: And we also have an -- a

1 job to do, it's called elevation and escalation, which
2 is where we feel they've broken process, and we have
3 to tell their plant manager or site VP through formal
4 correspondence, and they have to generate an action
5 plan.

6 So there is a -- it's not just -- it's a
7 -- it's a healthy tension to ensure we're staying
8 efficient and following our processes.

9 SR. SPECIAL AGENT LUINA: All right.

10 MR. POLICKOSKI: So there's a chain --
11 there's a chain of command aspect there.

12 SR. SPECIAL AGENT LUINA: Okay.

13 MR. POLICKOSKI: They do not report to me,
14 I'm dotted line --

15 SR. SPECIAL AGENT LUINA: Yeah.

16 MR. POLICKOSKI: -- leadership.

17 SR. SPECIAL AGENT LUINA: Like an
18 oversight type of.

19 MR. POLICKOSKI: Yeah.

20 SR. SPECIAL AGENT LUINA: You'd call it
21 that, I guess.

22 MR. POLICKOSKI: Yes. They report to the
23 plant support director by bold line. They report to
24 me by dotted line.

25 SR. SPECIAL AGENT LUINA: By dotted line,

1 okay. All right, so you would have -- and you covered
2 all three sites as CFAM?

3 MR. POLICKOSKI: CFAM is for the fleet.

4 SR. SPECIAL AGENT LUINA: For the fleet,
5 okay.

6 MR. POLICKOSKI: All three sites, yes,
7 sir.

8 SR. SPECIAL AGENT LUINA: All right, well,
9 when Mr. McBrearty was working out at Sequoyah, it's
10 my understanding there was a couple NCVs from 2015,
11 non-cited violations, there on the service life NCV
12 and the Kirk Key, K-I-R-K --

13 MR. POLICKOSKI: Correct, correct.

14 SR. SPECIAL AGENT LUINA: -- K-E-Y, Kirk
15 Key NCVs. What was your role in those? Was there one
16 that you had more involvement with than the other, or
17 were you kind of --

18 MR. POLICKOSKI: I had no role because I
19 was at the sites when those violations were --

20 SR. SPECIAL AGENT LUINA: Written?

21 MR. POLICKOSKI: -- written. So when I
22 got downtown, you want to say the process was sort of
23 midstream, so we had already received the violations.
24 There was a corrective action path for both in place.
25 I mean they're not the same issue. One deals with a

1 disagreement with the NRC regarding mild environment
2 conditions --

3 SR. SPECIAL AGENT LUINA: Service life?

4 MR. POLICKOSKI: -- for components.
5 Service life was a mild environment issue, not a harsh
6 environment.

7 The Kirk Key was the view that we had made
8 an incorrect modification to the plant relative to how
9 opposite train electrical components interact with
10 each other. And so one -- when I got to downtown
11 there was initial -- by the time I'd got downtown,
12 what I had been turned over was the initial
13 communication with the NRC that we were following an
14 industry approach.

15 SR. SPECIAL AGENT LUINA: The service
16 life.

17 MR. POLICKOSKI: Service life, sorry.

18 SR. SPECIAL AGENT LUINA: Good.

19 MR. POLICKOSKI: Service life issue. We
20 were following an industry initiative with which the
21 Sequoyah issue was one of the examples that the NRC
22 was considering to put in a regulatory information
23 summary, a RIS.

24 SR. SPECIAL AGENT LUINA: A RIS, yes.

25 MR. POLICKOSKI: Due to the challenge of

1 -- because industry was pushing back that this was, in
2 essence, a back fit to industry to transition a
3 regulation from harsh environment to mild environment,
4 when there's no expectation that the equipment would
5 be challenged. So that was the basis of industry's
6 argument.

7 And so -- and the one -- the one error, I
8 don't know if call it an error, is just the strategy
9 problem is that there was no -- the NRC doesn't have
10 a process. Once a violation occurs, it causes a
11 flowing river of events. You get to deny within 30
12 days, and if you don't deny in 30 days, the NRC just
13 moves forward.

14 So either if the licensee is not timely
15 and effective, then the NRC can escalate, or if the
16 NRC feels we're timely and effective with our
17 corrective actions, then the NRC just kind of in a
18 wait and see. But we had sent a letter to the NRC
19 that said hey, we're going to let this industry issue
20 play out, and then we'll come back to you of whether
21 we feel there's a noncompliance or not, a performance
22 deficiency.

23 And so when I got downtown, we had had a
24 lot of interaction. In fact, that third group I
25 mentioned, our industry interaction folks, they were

1 working with industry at the national level because we
2 weren't the only example of this, trying to figure out
3 how to sort this.

4 So when I got downtown, the RIS was in a
5 draft, and we were currently an example, but we had
6 sent the -- we sent a letter to the NRC that was --
7 that was not a denial letter, it was a -- I mean you
8 probably have access to the formal letter. In
9 essence, it was a here's what we're doing letter.

10 But probably -- but the reality is there's
11 no process for that letter. The NRC doesn't know what
12 to do with it, and I was -- my turnover was it was a
13 lot of director and VP level interaction with the
14 region to explain why they were getting that letter.

15 SR. SPECIAL AGENT LUINA: That'd be Joe
16 Shea you're talking about?

17 MR. POLICKOSKI: Joe Shea.

18 SR. SPECIAL AGENT LUINA: And Erin.

19 MR. POLICKOSKI: And Erin inherited it as
20 well, because she arrived midstream as well.

21 SR. SPECIAL AGENT LUINA: Okay.

22 MR. POLICKOSKI: To convey the strategy
23 with the regional leadership at the time.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. POLICKOSKI: And so eventually what

1 happened was -- does that answer your question? I, or
2 --

3 SR. SPECIAL AGENT LUINA: I think so.
4 Yeah, your involvement in the issue --

5 MR. POLICKOSKI: Yeah, that's --

6 SR. SPECIAL AGENT LUINA: -- So you got
7 briefed on this is what's happened.

8 MR. POLICKOSKI: Yeah, so that was my turn
9 over.

10 SR. SPECIAL AGENT LUINA: Yeah.

11 MR. POLICKOSKI: So, when I, when I got
12 the issue, I prompted the site to --

13 MR. CHAPMAN: Okay, we need to keep this
14 moving.

15 SR. SPECIAL AGENT LUINA: I guess first,
16 time, time out. When you got briefed on that.

17 MR. POLICKOSKI: Yeah.

18 SR. SPECIAL AGENT LUINA: Being a nuclear
19 professional for so many years.

20 MR. POLICKOSKI: Yeah.

21 SR. SPECIAL AGENT LUINA: And working at
22 different -- and working for the NRC.

23 MR. POLICKOSKI: Yeah.

24 SR. SPECIAL AGENT LUINA: What was your --
25 what were you thinking? Like, this is crazy, what are

1 y'all doing? Or were you thinking, okay, I see what
2 you -- this makes sense, let's keep going down this
3 path, or?

4 MR. POLICKOSKI: Well, being ex-NRC, I, we
5 got to, we got to keep the NRC in a process is always.
6 So, if we're not in a process, then what process are
7 we in because -- and so, that's the first thing that
8 came into mind is we just got to make sure we're in a
9 process.

10 SR. SPECIAL AGENT LUINA: Okay.

11 MR. POLICKOSKI: Keep communicating with
12 the NRC.

13 SR. SPECIAL AGENT LUINA: Did you feel
14 like you were out of process?

15 MR. POLICKOSKI: No, because generating an
16 industry RIS is a process.

17 SR. SPECIAL AGENT LUINA: Okay.

18 MR. POLICKOSKI: The problem is is that
19 there's not a direct connection between a RIS and an
20 existing on-the-books violation.

21 SR. SPECIAL AGENT LUINA: Okay.

22 MR. POLICKOSKI: So, it's -- there's not
23 a line of sight necessarily.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. POLICKOSKI: It's more like we're

1 slightly askew, but we have to have heavy interaction
2 with the, with industry because they're helping
3 generate the RIS, but also with the regulator directly
4 because we got to show the bridge between the RIS and
5 the violations.

6 SR. SPECIAL AGENT LUINA: Show them what
7 you're doing, okay.

8 MR. POLICKOSKI: Because the one thing is
9 the regulator. The regulator wants to see that we're
10 not ignoring the violation, as the regulator should
11 expect us to fix things that we've got violated on.
12 But the NRC was very well aware that this RIS was a
13 notion.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: And therefore, they
16 understood that we were, we were in my, my main
17 concern was are we communicating with the NRC to make
18 sure that this is how we're bridging the two issues,
19 and our corrective actions in the end will be heavily
20 influenced by how this RIS shakes out.

21 SR. SPECIAL AGENT LUINA: Okay.

22 MR. POLICKOSKI: And, that was our
23 important thing. Now, so my main, my main approach
24 coming into to the effort was what is, in essence, the
25 project plan to get us from here to there, and what

1 does there look like.

2 So, if the RIS shakes out and it
3 influences the technical discourse with the regulator,
4 then that will allow us to have a corrective action
5 discussion with the NRC, potentially a denial to say
6 this is how it shook out, there's no basis for your
7 performance deficiency, yes we did meet your 30 day
8 deadline, we've been communicating with you, but
9 there's sound basis and a process that you already
10 endorse, NRC.

11 SR. SPECIAL AGENT LUINA: Okay.

12 MR. POLICKOSKI: If we don't, we're not in
13 the RIS and in the end, the Sequoyah example did not
14 get included in the RIS and in fact, the RIS died, if
15 I remember correctly. It never got issued, is then we
16 and any other utility in the same predicament's now
17 left to our own path.

18 SR. SPECIAL AGENT LUINA: Okay.

19 MR. POLICKOSKI: So, once we as TVA
20 realized that we were not included in the RIS, and in
21 the end, there was strong push back within the agency
22 to the RIS in general, is we realized we were on our
23 own; we were left to our own devices to figure out how
24 to manage this.

25 SR. SPECIAL AGENT LUINA: Okay.

1 MR. POLICKOSKI: And that time frame --
2 and what time frame am I in now? So, I think it was
3 in late '17, early '18, we were -- once we realized
4 where this was going, we were generating a denial. I
5 was working closely with Mike. My hands are heavily
6 in that denial letter as well. I specifically spent
7 a lot of time helping write that letter --

8 SR. SPECIAL AGENT LUINA: Okay.

9 MR. POLICKOSKI: -- with Mike. And at
10 that time, the resident made it clear that if you
11 don't tell us something, we are going to be forced be
12 -- not due to the issue itself, but escalate you guys
13 due to problem identification resolution inspection,
14 which is --

15 SR. SPECIAL AGENT LUINA: Yeah, NIN.

16 MR. POLICKOSKI: -- the NRC feedback that
17 you're not timely. So, we submitted the denial, and,
18 and the resident, I mean Mike was communicating
19 heavily with the resident, he knew we were generating
20 this denial once we realized the RIS path was dying.

21 SR. SPECIAL AGENT LUINA: Okay.

22 MR. POLICKOSKI: So, we generated a
23 denial, and it ultimately, I think it was in the
24 spring of -- I'm losing track of the calendar now.
25 This is '19, so spring of, late spring of '18, so '17

1 I think it was the denial went out late '17 like
2 around Christmas, Thanksgiving time frame.

3 SR. SPECIAL AGENT LUINA: Yeah, that
4 sounds right.

5 MR. POLICKOSKI: And then late spring we
6 got the word from the NRC that the denial was -- the
7 NCV was withdrawn. I was about to say the denial was
8 accepted but I don't know whether I would -- the NCV
9 was withdrawn. There we go.

10 (Laughter.)

11 SR. SPECIAL AGENT LUINA: That's the
12 correct, yeah, okay.

13 MR. POLICKOSKI: And --

14 (Laughter.)

15 SR. SPECIAL AGENT LUINA: Okay.

16 MR. POLICKOSKI: -- Double negative.
17 Double positive, I don't know. So, the NCA was drawn,
18 in other words, the, the regulator in the end agreed
19 with our position technically. So --

20 SR. SPECIAL AGENT LUINA: Leading up to
21 that point when the denial was finally submitted in
22 2017, in your discussions with Mr. McBrearty, did he
23 bring up any concerns he had with how this was being
24 -- to how this, this NCV, the service life, was being
25 addressed?

1 MR. POLICKOSKI: Yes, he did. Yeah, he
2 did.

3 SR. SPECIAL AGENT LUINA: Like, what were
4 his concerns?

5 MR. POLICKOSKI: His concerns was a view
6 of that we as a company were dragging our feet, that
7 we've got to keep this moving. And I think the
8 biggest thing I saw coming in new, because I wasn't
9 part, part of downtown was, and what exacerbated the
10 problem is, there wasn't good communication between
11 the corporate office and site leadership above Mike,
12 is the reality.

13 And what didn't help was site leadership
14 changed out a number of times because the site VP
15 died, literally died. They had an interim site VP
16 and, and then the plant support director changed out
17 three or four times in that period.

18 And so, and I was advising Mike as Mike's
19 got to use his chain of command because this is
20 executive company level decision making on, on how
21 we're going to reroute this path, and he was going it
22 alone but his point was valid that we've got to keep
23 this moving. And hence, that, you know, that was --
24 my intention was is, you know, from a project plan
25 standpoint, let's keep this moving.

1 Now, other than the fact that we probably
2 should have caused some over communication between
3 site leadership, which had changed, and the corporate
4 memory of that site just due to very unfortunate
5 events, including that death, kept changing.

6 And then corporate leadership is that to
7 me, that's where probably the flaw mostly occurred was
8 the active communication at that level of what just
9 the strategy was. But generally speaking, I had no
10 issue with what Mike's concern was in that we've got
11 to keep this moving.

12 But, there was no view from the corporate
13 office that if the RIS doesn't work out, we're
14 ultimately going to deny. That was the strategy all
15 along anyway. In fact, we had a denial drafted before
16 I even got downtown, an initial denial.

17 MR. CHAPMAN: When they had initially got
18 that NCV.

19 MR. POLICKOSKI: Right.

20 MR. CHAPMAN: In 2015.

21 MR. POLICKOSKI: Right.

22 SR. SPECIAL AGENT LUINA: Okay.

23 MR. POLICKOSKI: But there was, and, and
24 what I got turned over just to give you some context,
25 was if the industry is attempting -- if the industry

1 and NRC are attempting to deal with this technical
2 issue in a broader level, there a view that the denial
3 could have set it, and forced the NRC's hand too
4 narrowly on a topic they -- and the regulator's trying
5 to handle at a broader level. So, there was a more
6 strategic mentality of why.

7 SR. SPECIAL AGENT LUINA: Okay.

8 MR. POLICKOSKI: Now, my gut says the
9 issue you're bringing up, it came down to a handful of
10 months where, where Mike thought potentially the RIS
11 was a done deal, let's just move out and there was a
12 corporate with industry view that let's let it finish
13 playing out, and there was probably a three or four
14 month period where the most angst occurred on this
15 issue.

16 And, my view was that if we had probably
17 heightened our communications with all the leadership
18 flux at Sequoyah, that probably would have lessened
19 the angst.

20 SR. SPECIAL AGENT LUINA: Were Shea and
21 Henderson aware of Mike's concerns with the how --
22 keep it moving forward?

23 MR. POLICKOSKI: Oh, yes, yeah. He would,
24 I mean it was raised at our peer team meetings and
25 Erin and Joe would, would address it directly. There

1 was a couple of CRs written, corrective action --
2 condition reports, regarding assessing the decision
3 making.

4 In fact, our regulatory analysis procedure
5 was modified in two specific ways to address how the
6 decision making and communications at the executive
7 level should occur in the future out of this issue.

8 So in other words, we modify our
9 governance because this was a good lesson learned that
10 solid communications at the executive -- for a
11 strategic position of the company --

12 SR. SPECIAL AGENT LUINA: Okay, I got you.

13 MR. POLICKOSKI: -- has to be proactively
14 managed. And, so our, our procedure that deals with
15 this kind of issue.

16 SR. SPECIAL AGENT LUINA: Is that a result
17 of the condition reports or is that a result of the --

18 MR. POLICKOSKI: Yeah, it was. Direct
19 result, yeah.

20 SR. SPECIAL AGENT LUINA: Okay, and it --
21 the communications is kind of, is kind of the big
22 thing that changed --

23 MR. POLICKOSKI: Well, it's making --

24 SR. SPECIAL AGENT LUINA: -- The executive

25 --

1 (Simultaneous speaking)

2 MR. POLICKOSKI: -- establishing the
3 position, that's the first, that's the first change.
4 And then the communications of the decision was the
5 second major change to the procedure.

6 SR. SPECIAL AGENT LUINA: Okay. Similar
7 with the Kirk Key issue, were you involved in that
8 NCV?

9 MR. POLICKOSKI: The timings were, were
10 almost simultaneous in terms of the, because I think
11 they were both in the same report, CDBI report.

12 That one had a much different path because
13 there was no industry issue at stake here. This was
14 an argument over whether we could make a modification
15 to the plant, and whether we, we lowered safety
16 because of the exact type of modification we made.
17 And it dealt with an obsolescence issue, if I recall,
18 because the widget needing replaced wasn't made
19 anymore, so we had to do a like for like.

20 So, in this one, the consensus had not
21 been achieved between corporate and site engineering
22 on whether we had truly lowered effectiveness of the
23 component. And again, this was, it was not a
24 disagreement with -- no one on the corporate or site
25 level disagreed with the fact that we've got to

1 establish a position and it was getting ensuring we
2 had the right folks at the room, at the right
3 leadership level, to agree to the final position.

4 And because each final position results in
5 a different, longer term action, okay? So, you know,
6 just from the inspection standpoint to break it down,
7 either we ironclad agree that we're right, or we see
8 that we have a breakdown in process and did we
9 ultimately need NRC permission.

10 So, in the end we concluded we needed NRC
11 permission and that hence, we have a license amendment
12 that's with the NRC right now.

13 SR. SPECIAL AGENT LUINA: Yeah, and it's
14 still sitting over there as far as I know, right?

15 MR. POLICKOSKI: Yeah, and I think it's,
16 I think we're at the tail end of the review; we're
17 expecting it soon.

18 SR. SPECIAL AGENT LUINA: Yeah, it should
19 be close.

20 MR. POLICKOSKI: And so a similar time
21 frame is what I had mentioned with the other one. By
22 the time the denial went out, that amendment I think,
23 got signed out in early '18, I think, if I remember
24 right. And again, that's not my house, that's the
25 fleet licensing guys who physically sign them and

1 write amendments.

2 But again, it's that mid to late summer
3 time period is, is where I think some poor
4 communication -- there was never misalignment to
5 establish the position and move out. It was getting
6 the right parts of the corporate and site organization
7 to talk to establish whether we had a, we had a 50/59
8 miss, or did we manage the modification wrong, and
9 then establish the position.

10 SR. SPECIAL AGENT LUINA: Okay. Mike's
11 concerns that he raised, you mentioned, you know, I
12 mean they were, they were valid correctly, he wasn't
13 way off his rocker, I guess with bringing him up
14 anywhere, just completely --

15 MR. POLICKOSKI: No, and, again, it was
16 about keeping -- his main concern is how I read him,
17 was we just need to get these issues to closure. And
18 as the site manager, that is his job. He's trying to
19 make sure each issue just marches down the path.

20 SR. SPECIAL AGENT LUINA: And how did Shea
21 and Henderson feel about those concerns? What did you
22 witness them and how did they react during peer team
23 calls, or during face to faces when Mike would bring
24 these up, or when you had come to it with this issue,
25 or something like that?

1 MR. POLICKOSKI: Yeah, I mean I felt they
2 responded appropriately. I think Mike conveyed with
3 both words and body language, that it just wasn't
4 moving fast enough.

5 SR. SPECIAL AGENT LUINA: Was he ever
6 unprofessional with his words or body language when he
7 brought this stuff up, in your opinion? What you have
8 witnessed?

9 MR. POLICKOSKI: At the peer teams, he was
10 definitely testy.

11 (Laughter.)

12 SR. SPECIAL AGENT LUINA: Okay.

13 MR. POLICKOSKI: And when it's in the
14 group setting, and he, you know, he would challenge
15 Erin, especially Joe, probably more Joe than Erin,
16 pretty directly. But, you know, I have a lot of
17 private one on one sessions with the managers as part
18 of my job and he, to be honest, he as it got later in
19 the process, he just, even though all the decisions --
20 even to the point where all decisions that had been
21 made and everything that he was hoping would occur did
22 occur, the NCV was, you know, denial was out, the
23 amendment for the Kirk Key issue was, was being
24 generated, if not issued. And, it became what I
25 determined to be almost an irrational issue with Erin

1 and Joe at that point. Because I could not -- he, as
2 the later time during his tenure here and I had to
3 have -- I mean he and I had a long discussion towards
4 the tail end of his time here, that, that his
5 irrationality and how he communicates with mainly
6 Erin, and how his either avoidance of her, or just if
7 he thought Erin was involved in a decision, or was
8 part of a discussion, he would just get irrational in
9 his thinking and I couldn't get him in a box.

10 SR. SPECIAL AGENT LUINA: Do you know why
11 he was like that? Did he explain to you what he?

12 MR. POLICKOSKI: He had, he felt he had
13 been wronged by her by some other issue that had
14 occurred.

15 SR. SPECIAL AGENT LUINA: Okay.

16 MR. POLICKOSKI: And he can't trust her,
17 he can't --

18 SR. SPECIAL AGENT LUINA: Did he tell you
19 what that was, that issue, I guess?

20 MR. POLICKOSKI: I mean he gave me
21 awareness of some issue that he had a friendship with
22 another employee and that he had -- he viewed that she
23 had their badge records pulled at Sequoyah and he was,
24 and at that point, he said he's done with her and the
25 thing, and it's true. I saw it just in events.

1 Mike had a lot of experience. And if he
2 did not mentally see that Erin was involved in an
3 issue, he was dealing with it like, all my other site
4 licensing managers. He could experience at the table,
5 he could handle reportability, but if there is a view
6 that if corporate was part of the decision cycle,
7 especially Erin, I could not -- dealing with him in a
8 rational way was hard. It was very hard.

9 SR. SPECIAL AGENT LUINA: Okay.

10 MR. POLICKOSKI: And in fact at that time,
11 I was telling you it was within a month or two before
12 he ended up leaving, it was trying to get him to just
13 come to peace with himself that he's got, whatever
14 issue he's got with her, he's got to get over it
15 because it is showing in his daily work and he has got
16 to just stop because he is hurting, he is completely
17 hurting himself.

18 His credibility with others, the peer team
19 was seeing it that he would -- became an impediment at
20 the peer team because Erin had a role on the peer
21 teams.

22 He was argumentative, coarse in all his
23 dealings and communications, and he became a real
24 hindrance honestly, to the peer team. And it was a
25 total pain in the neck for me because well, I say I

1 had 51% of the time, let me be clear, I only exercise
2 it in rare occasions.

3 My goal is really, you know, to arbitrate
4 a solid group of professionals, we want to solve
5 problems, we want to move it ahead. The goal is to
6 find the balanced solution that all three sites can
7 support.

8 A goal is not dictatorial all, and --

9 SR. SPECIAL AGENT LUINA: How did Erin or
10 Joe respond to this type of behavior by Mr. McBrearty?
11 What did you witness like on the peer team calls and
12 things like that? How were they?

13 MR. POLICKOSKI: Well, Erin felt she had
14 to recuse herself from a lot of issues at Sequoyah
15 because she felt she was -- her presence and
16 engagement was causing a challenge to me because she
17 could see, she could see the response from Mike, what
18 it evoked.

19 And that, so in reality, she backed off on
20 part of her role probably, which is to be in the chair
21 as the director, because of the challenge it was
22 causing because of the emotional, and I would argue,
23 he got to irrationality in those, in those final
24 months. There was some genuine hatred going on there.

25 SR. SPECIAL AGENT LUINA: Going from him

1 to her, or --

2 MR. POLICKOSKI: Yeah, oh from him to her,
3 without a doubt.

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. POLICKOSKI: And now, I mean did she
6 get anxious from it? Sure, but she basically had to
7 begin to mentally not check out of Sequoyah, but more
8 that if there's dealings with Sequoyah, then I will
9 handle it because she was realizing her presence was
10 causing more harm for good, and actually --

11 SR. SPECIAL AGENT LUINA: But that you
12 would handle it, Jim would handle it.

13 MR. POLICKOSKI: -- I would handle it.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: Because it was -- she
16 could see that it was causing -- by how he responded
17 to her was actually hurting my effectiveness so
18 therefore --

19 SR. SPECIAL AGENT LUINA: Did you
20 personally have any issues, I guess, work-related
21 issues, with Erin that you had to deal with that?

22 MR. POLICKOSKI: I mean, not issues. I
23 mean I didn't know her before I got downtown, so I
24 mean I had to figure out who she is and work with her,
25 but no issues, I mean. You know, trying to think, I

1 mean --

2 SR. SPECIAL AGENT LUINA: Did you --
3 again, you mentioned --

4 MR. POLICKOSKI: -- I mean you get
5 technical disagreements, so let me separate those two.

6 SR. SPECIAL AGENT LUINA: Yeah, I agree
7 with that.

8 MR. POLICKOSKI: Yeah, no, no personal.

9 SR. SPECIAL AGENT LUINA: No
10 interpersonal?

11 MR. POLICKOSKI: No, no personal stuff.

12 SR. SPECIAL AGENT LUINA: I guess,
13 professional wise related, you know, work related
14 stuff.

15 MR. POLICKOSKI: Yeah, we've had technical
16 disagreements.

17 SR. SPECIAL AGENT LUINA: Disagreements,
18 okay.

19 MR. POLICKOSKI: I've disagreed with Erin
20 on a couple things. I mean generally speaking, we are
21 aligned on most things, but we disagree occasionally.

22 SR. SPECIAL AGENT LUINA: And did you
23 maybe explain that to Mike, too? Did you vent with
24 Mike about hey man, I've got some not, maybe not
25 similar issues, but yeah, I've had this problem with

1 --

2 (Simultaneous speaking)

3 MR. POLICKOSKI: Yeah, I mean --

4 SR. SPECIAL AGENT LUINA: -- The usual
5 discussions --

6 MR. POLICKOSKI: -- When I first got
7 downtown, I, you know, every leader's got a style
8 difference, and I mean, one area, you know, I know,
9 you know, Browns Ferry has had some challenges, so we
10 ended up having to elevate the approach to how we
11 manage the elevation. Erin and I would -- disagreed
12 on. You know, and but in the end, we moved out, you
13 know.

14 SR. SPECIAL AGENT LUINA: Okay, like, some
15 of the examples that have been provided to me about --
16 let me see. Maybe you complained to Mike about having
17 to, you know, work late at night, because Miss
18 Henderson often called you into the office to help her
19 prepare for regular daily meetings; that you felt Miss
20 Henderson was maybe ignorant and lacked the knowledge
21 of the NRC regulatory process and issues?

22 MR. POLICKOSKI: I mean, I don't remember
23 the context of those conversations. Yeah, I mean if
24 we were, if he was asking me how things are going, and
25 I said yeah, we've got a lot of stuff going on, had to

1 come in, I mean that was all true. I was.

2 (Laughter.)

3 We had a lot of inspection issues and a
4 lot of long days. I know when I first got downtown,
5 there was a lot of discussion over, you know, did she
6 have enough regulatory background or not, that sort of
7 thing. I mean, that, that definitely was part of the
8 rumor discussion and --

9 SR. SPECIAL AGENT LUINA: Her lack of
10 experience and stuff?

11 MR. POLICKOSKI: Yeah, yeah, I mean that
12 was, that was part of the discussion, but I -- by the
13 time I got downtown, I mean, I wasn't there when she
14 arrived. She was already here for many months.

15 So, it was -- I can't, I don't remember
16 any specific thing. Now, as I working late? Yes.
17 Did I, did I, you know, complain that I missed a kid's
18 thing or something like that? I, sure.

19 SR. SPECIAL AGENT LUINA: Yeah, typical
20 stuff you'd say?

21 MR. POLICKOSKI: Yeah, I mean I can't, you
22 know, and, and when you're working, I mean the three
23 managers are the ones I work with the closest. You
24 know, when Sequoyah has an issue, we are neck deep in
25 it until it's over, you know, until late at night or

1 whatever.

2 And I can't say I didn't complain that I
3 missed my kid's birthday thing or something, you know.

4 SR. SPECIAL AGENT LUINA: Okay, I got you.

5 Maybe that -- in yeah, 2017, the triennial
6 fire protection inspection at Sequoyah, don't know if
7 you remember that. That maybe you had had to -- let's
8 see how I can explain this -- that Miss Henderson had
9 become upset with you because you allowed her vacation
10 plans to become a discussion of topic at Sequoyah.
11 Does that sound familiar to you?

12 MR. POLICKOSKI: Yeah, yeah. What
13 happened was her husband happened to be the manager
14 over the Fire Protection Engineer, and our governance
15 specifically states that the area under inspection, if
16 the manager can't be there, in this case it would have
17 been her husband, which is true, can't be there, the
18 general expectation was that you should not be
19 planning vacation around a major inspection that's
20 your area.

21 But if you can't go, then you've got to
22 have someone who's in place, who's been heavily turned
23 over to the whole site management, and this is
24 specifically called out in our governance, the site
25 leadership is very aware that there will be a stand-in

1 manager. This has to be a manager fully empowered for
2 resources, that sort of thing.

3 And yeah, I mean I do remember that
4 conversation because I found out late in the game, and
5 we were in final preps for the inspection and I was
6 surprised because it's an expectation that the
7 manager. And ironically, the manager was her husband.
8 I would have responded the same way whether he was her
9 husband or not.

10 (Laughter.)

11 SR. SPECIAL AGENT LUINA: Yeah.

12 MR. POLICKOSKI: I would have been very
13 surprised. And because our expectation is is when,
14 when it's your technical area that, that's under the
15 spotlight, you own it and you be there.

16 SR. SPECIAL AGENT LUINA: Did she yell at
17 you for that, or scream at you or berate you, or?

18 (Laughter.)

19 MR. POLICKOSKI: Not yell at me. It was
20 more one of those awkward situations of, you know, you
21 know, I mean she knew that I had said is there any way
22 you could be here, you know, and it happened to be
23 they were going on the same vacation, that's all.

24 And it was one of just more awkward than
25 anything. She said in the end I was right, but she,

1 but she supported me in the end because I wanted to
2 make sure her husband had a good turnover.

3 (Laughter.)

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. POLICKOSKI: But initially, it was,
6 you know, all the conversations first occurred at the
7 site, you know, and then when I got back to corporate,
8 you know, it was wow, thanks, that was a fun kitchen
9 dinner table talk. But it was nothing like --

10 SR. SPECIAL AGENT LUINA: Unprofessional,
11 or --

12 MR. POLICKOSKI: -- No, it was more --

13 SR. SPECIAL AGENT LUINA: -- Out of line
14 or something like that?

15 MR. POLICKOSKI: -- Yeah, it was more just
16 I don't know, office kidding around with each other,
17 you know, you know, just kind of I don't know, digging
18 at -- I don't know what the right word is, digging at
19 each other.

20 SR. SPECIAL AGENT LUINA: Okay, that's
21 fine.

22 MR. POLICKOSKI: I mean, Erin and I have
23 a good working relationship so it's not pejorative, if
24 that helps.

25 SR. SPECIAL AGENT LUINA: It does, yeah.

1 MR. POLICKOSKI: But I remember that one
2 well because it happened that the manager involved
3 happened to be her husband.

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. CHAPMAN: We're at 12:58 here.

6 SR. SPECIAL AGENT LUINA: Okay, did you
7 ever have to -- okay, you said they had that one time
8 you had to talk with -- or do you have any other times
9 you talked to Mike about the way he was acting towards
10 Miss Henderson?

11 MR. POLICKOSKI: I had multiple
12 conversations that were shorter, but then it was I
13 think March of '18 is when I probably had it was the
14 multiple, more than -- it was like a one to two hour
15 discussion to really go, Mike, you've got to -- your
16 communication style is killing you.

17 SR. SPECIAL AGENT LUINA: Was that dealing
18 with the maybe a text message that you received?

19 MR. POLICKOSKI: It was -- the text
20 message I think, was after that conversation, not
21 before.

22 SR. SPECIAL AGENT LUINA: Okay. And I
23 think -- is this the one you're referring to? This is
24 from March 6, 2018, a copy of the text message I have.
25 And this is to Jim.

1 MR. POLICKOSKI: Yeah.

2 SR. SPECIAL AGENT LUINA: To you, right?
3 I'll let you read through that.

4 MR. POLICKOSKI: I don't want to -- I
5 quorum for a phone call coming up. I can come right
6 after this meeting.

7 SR. SPECIAL AGENT LUINA: You can come
8 back?

9 MR. POLICKOSKI: Yeah. I don't know your
10 schedule though.

11 MR. CHAPMAN: What time does this thing
12 end?

13 MR. POLICKOSKI: It's set for an hour.
14 They usually don't go the full hour.

15 MR. CHAPMAN: Okay, want to reconvene at
16 2:00 o'clock? Or whenever you're --

17 MR. POLICKOSKI: I'll just be right here.

18 SR. SPECIAL AGENT LUINA: Yeah.

19 MR. POLICKOSKI: Okay. I'm not trying to
20 be rude. I just --

21 SR. SPECIAL AGENT LUINA: No, no, no, no.
22 The time's now 1:00 o'clock and we're
23 going to go off the record for a little bit.

24 (Whereupon, the above-entitled matter went
25 off the record at 1:00 p.m. and resumed at 2:03 p.m.)

1 SR. SPECIAL AGENT LUINA: All right, the
2 time is now 2:03 p.m. and we're back on the record
3 with Mr. Polickoski. And we just took a quick break
4 so you could attend a meeting that he had to have
5 previously scheduled before this interview. So that's
6 what we were taking a quick break for. Now we're back
7 on the record.

8 We were getting into talking about March
9 of 2018 timeframe. And I think you had kind of
10 started to say that some things were starting to come
11 to a head at that point. And you mentioned some of
12 the irrationality that Mr. McBrearty was expressing.
13 And we were going to getting into some of that and
14 some of the issues that we talked about. And I had
15 started to ask you about a text message that was sent
16 to you, in my understanding, from Mr. McBrearty in
17 early March of 2018 -- on March 6th, 2018.

18 MR. POLICKOSKI: Right.

19 SR. SPECIAL AGENT LUINA: Yes. I know you
20 were starting to kind of flip through that and read
21 it. And I wanted to see if you recall this text
22 messaging. And you were kind of --

23 MR. POLICKOSKI: Yes.

24 SR. SPECIAL AGENT LUINA: -- put into
25 context for me about what happened with that.

1 MR. POLICKOSKI: So from my memory, this
2 text occurred after that kind of intervention visit I
3 made to the site. So I actually went to the site with
4 the intention of having a closed door conversation
5 with Mike because I felt like he was getting to the
6 point of he was going to self-destruct because of his
7 very obvious anger. And so the reason why I went
8 there was it was that at this point from his view, he
9 had already won the battle on the NCV issue with
10 service life because not only did it get the dial
11 submitted. We had all indications at that point it
12 was going to be -- the NCV was going to be withdrawn
13 by the NRC.

14 SR. SPECIAL AGENT LUINA: Yes.

15 MR. POLICKOSKI: I can't remember the
16 exact date we got it, but we were already getting get
17 feedback from the region and the resident that this
18 was going to be in TVAs favor. From the (inaudible)
19 Kirk Key LAR -- Lar meaning licensed amendment
20 request, the strategy had long been approved that we
21 were going to submit an amendment and that was months
22 before. Now we were just in the mechanics of the
23 writing the amendment itself.

24 Just to show you the part that really
25 evoked the irrationality. So the amendment is

1 literally sitting on the VP -- on the Vice President's
2 desk. In this case, Joe Shay (phonetic).

3 SR. SPECIAL AGENT LUINA: Joe Shay.

4 MR. POLICKOSKI: There were some minor
5 editorials. And Mike exploded that he thought this
6 was more conspiracy to stop it. And I kept saying
7 Mike, it's not. It is literally an editorial --

8 SR. SPECIAL AGENT LUINA: Okay.

9 MR. POLICKOSKI: -- for readability.
10 Don't see evil behind every doorway. And you got
11 everything you wanted, which by the way, it's not
12 about what you wanted. It was the right solution.
13 You had alignment the entire time.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: And so that gives you an
16 example of where I -- And so the reason why I went to
17 the site is I mean, I respected Mike's background.
18 You know, he had been a licensing manager at San
19 Onofre. He had been ex-NRC like I've been. So I
20 didn't necessarily want his experience lost in the
21 company, it's just in these areas where if Joe Shay
22 and especially Erin were involved, this irrationality,
23 illogicness would kick in.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. POLICKOSKI: And I was trying to get

1 him to just Mike, stop. In fact part of my message to
2 him was Mike, when it comes to impactful decisions for
3 the company, it is not your fight. It is worked
4 through your plant support director, meaning his
5 immediate boss and your site Vice President. That's
6 their job. That's why you have an executive at your
7 site is when there's contentious challenging issues
8 for the company engaging with the regulator that we're
9 going to take a position that potentially disagrees
10 with the NRC, that's not your fight alone. And let's
11 say site and corporate disagree, it's not your fight
12 alone. Let the executives do what their role is. And
13 that was part of my message in getting down with him.

14 In fact I even got to the point, I go
15 Mike, if it takes it, go on weekend, you know, if
16 you've got to have a beer or whatever it is, just get
17 it all out of your system. Then come back a new man.
18 Because your career's going to get affected if you
19 invoke all this anger. Because it was very obvious.
20 And it was hurting me as the peer team chair when I'm
21 trying to accomplish initiatives. So those monthly
22 meetings -- I don't know if I told you, we have weekly
23 meetings that kind of go over the issues. Our monthly
24 face to faces are where we are moving initiatives
25 forward for our area like writing the procedures --

1 SR. SPECIAL AGENT LUINA: Okay.

2 MR. POLICKOSKI: -- new business
3 initiatives. Where I was losing productivity at these
4 meetings because he was negative out of the gate and
5 counterproductive routinely. Becomes generally
6 speaking, I need consensus. I mean I don't want to
7 exercise my 51 percent if I don't have to.

8 SR. SPECIAL AGENT LUINA: Did you talk to
9 his supervisor about this?

10 MR. POLICKOSKI: We did.

11 SR. SPECIAL AGENT LUINA: Okay.

12 MR. POLICKOSKI: The first one we talked
13 to was at length -- that I talked to because initially
14 before Erin really felt like she was causing -- that
15 her presence was causing part of angst to try to -- so
16 Mike wouldn't have so much angst, we worked with
17 Dennis Demopolis (phonetic) who was the first. So I
18 had -- I know I had at least one, one on one with
19 Dennis in an attempt to kind of figure out how to
20 manage this situation. And I'm trying to think -- the
21 reason I'm pausing, I'm trying to think. Dennis was
22 probably the one I knew for the longest time during
23 this period because (phonetic) Al Dod showed up --

24 SR. SPECIAL AGENT LUINA: Pretty close.

25 MR. POLICKOSKI: -- sort of late '17,

1 early '18. He wasn't his plant support director that
2 long.

3 SR. SPECIAL AGENT LUINA: Yes.

4 MR. POLICKOSKI: But Dennis was the one
5 for the longest period of time when I got to
6 corporate. There was a guy before him, Giacini
7 (phonetic), which he was not plant support director
8 very long when I was in the chair. So Demopolis was
9 the one I knew the most.

10 SR. SPECIAL AGENT LUINA: Okay.

11 MR. POLICKOSKI: And so --

12 SR. SPECIAL AGENT LUINA: So he was going
13 to talk to Mike I guess, after you talked to him?

14 MR. POLICKOSKI: The goal was that, you
15 know, because it looked like Dennis was going to be
16 there for a while --

17 SR. SPECIAL AGENT LUINA: Yes.

18 MR. POLICKOSKI: -- the volatility of the
19 chain of command that I mentioned earlier was
20 hopefully subsiding. And even the VP changed out
21 because there was a temporary VP after the one who
22 died. And then they finally got a new VP in Tony
23 Williams, but he was also relatively new, I think, as
24 of like late '17 --

25 SR. SPECIAL AGENT LUINA: Yes.

1 MR. POLICKOSKI: -- coming not from within
2 the fleet. So he also had a learning curve. So
3 that's the context before this. And that's what led
4 to this text stream is after I left the site that day,
5 I got this -- we had this long, as you can see,
6 paragraph long text narrative. I probably need to re-
7 read it just to refresh myself.

8 SR. SPECIAL AGENT LUINA: Yes.

9 MR. POLICKOSKI: But it was a back and
10 forth. And yes, this is the Kurtkey LAR we're talking
11 about. Sorry. Now one thing that, you know, was
12 challenging for me is I don't own the licensed
13 amendment process, so I'm checking with others who do
14 own it for status. So I was trying to provide Mike --
15 since I'm the one who talks to him the most frequently
16 --

17 SR. SPECIAL AGENT LUINA: Yes.

18 MR. POLICKOSKI: -- with as much up-to-
19 date status as I could. So this is the licensed note
20 I was talking about.

21 SR. SPECIAL AGENT LUINA: Yes, Kurtkey
22 LAR.

23 MR. POLICKOSKI: So it was literally -- I
24 think at this point, it was at the tail end of its
25 concurrences. Much like how the NRC does business, it

1 goes through various concurrences. And then it
2 finally hits the branch chief or director level. We
3 have a similar process here. It was at the tail end
4 is what this text is indicating.

5 SR. SPECIAL AGENT LUINA: Yes.

6 MR. POLICKOSKI: And I was trying to -- I
7 was trying to make it clear it's at the tail end. I
8 mean this is a minor extension to get to the final
9 phase.

10 SR. SPECIAL AGENT LUINA: Yes.

11 (off the record comments)

12 MR. POLICKOSKI: Okay, Scott is Scott
13 Bowman who works for him. This is a separate topic.
14 We were getting an inspection challenge unrelated to
15 the two you were asking me about earlier. This was an
16 issue that Watts Bar and Sequoyah had relating to
17 environmental qualification.

18 SR. SPECIAL AGENT LUINA: Okay.

19 MR. POLICKOSKI: We got a number of
20 unresolved items, both at Watts Bar and Sequoyah.
21 This was a longstanding issue that went years. And
22 this was unrelated to that. But just so you know --

23 SR. SPECIAL AGENT LUINA: Okay.

24 MR. POLICKOSKI: -- this is Scott Bowman
25 who works for him, a licensing engineer. And this is

1 Michael Henderson, the boss of the engineers who own
2 EQ. So he's an engineer in the engineering
3 organization. All right, so he brought up the
4 immediate issue --

5 SR. SPECIAL AGENT LUINA: Yes.

6 MR. POLICKOSKI: -- of those things. That
7 happened in parallel. To me that's an overstatement
8 because it was not -- the denial was already partway
9 in development.

10 SR. SPECIAL AGENT LUINA: And what he's
11 talking about is the part on Page 14 of the text
12 message. It says, "Both know" -- I mean he's talking
13 about Henderson and --

14 MR. POLICKOSKI: Joe.

15 SR. SPECIAL AGENT LUINA: -- Shay.

16 MR. POLICKOSKI: Shay and Henderson.

17 SR. SPECIAL AGENT LUINA: Now it took the
18 threat of a sited NOV, notice of violation by NRC for
19 our --

20 MR. POLICKOSKI: Right.

21 SR. SPECIAL AGENT LUINA: -- service --
22 (simultaneous speaking)

23 MR. POLICKOSKI: That's not the complete
24 story.

25 SR. SPECIAL AGENT LUINA: Okay.

1 MR. POLICKOSKI: Because the denial took
2 -- This is what transpired. The denial takes a while
3 for us to generate it, get it to a fully baked point
4 then in concurrence. So that's a week's process. A
5 denial doesn't happen much in industry, you know, and
6 we were patterning it off Exelon's recent successful
7 denial. I forgot what the issue was. We were getting
8 a peer check from Exelon at the time. In fact, the
9 only reason why there was an additional delay was we
10 were getting the -- I think it was the manager of the
11 writer of the Exelon -- who had a recent successful
12 denial to do a peer check.

13 SR. SPECIAL AGENT LUINA: Okay.

14 MR. POLICKOSKI: And it was industry -- I
15 better not say that -- It was an industry peer. It
16 was -- Oh, you know what? It was Marty Murphy from
17 Xcel Energy, not Exelon. Xcel I meant to say.

18 SR. SPECIAL AGENT LUINA: Okay.

19 MR. POLICKOSKI: We were getting industry
20 peer check from a recent successful effort on that.
21 And I would try to convey to him, Mike, there's not
22 evil around every doorway. And so this is what I mean
23 by the communication challenge.

24 SR. SPECIAL AGENT LUINA: Yes.

25 MR. POLICKOSKI: And I'm trying to keep

1 him as up-to-date as possible. So he listed off these
2 four issues because I remember there was a fourth,
3 right.

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. POLICKOSKI: And then he called me out
6 directly. And I was still -- "And it seems like all
7 our issues" and I think he calls me out specifically
8 that even I'm afraid to write CRs. "At what point is
9 someone in Corporate Affairs going to speak up?" I
10 thought he even directly targeted me.

11 (off mic)

12 MR. POLICKOSKI: Right, yes. And so when
13 I got this text, I'll be honest, I'd had it. And so
14 I went to Joe and Erin. I said I'd hit a breaking
15 point because I said I have no problem writing CRs.
16 I'm going to write a CR on every one of those. I got
17 it. These are very redundant to what we're already
18 done, but this has to be sorted. There has to be
19 executive discussion on all these things are coming to
20 closure. We've processed them all. But I said, I'm
21 done being called out for something that we have been
22 moving fairly on -- moving forward.

23 SR. SPECIAL AGENT LUINA: What do you mean
24 "called out", I guess.

25 MR. POLICKOSKI: No, it's the lack of

1 willingness to write a CR. We've had repeated CRs.
2 I updated my reg analysis procedure because the
3 challenging -- you know because it all comes down to
4 the squishy side of decision making. We've decided on
5 a strategy for the company on the EQ on the Kurtkey
6 issue -- on the service life issue. And tried to find
7 what caused the consternation? Why was there angst
8 between site and corporate on this? So we updated the
9 procedure.

10 And I'm sitting here at a point where I
11 will write -- I have no problem writing CRs on all
12 four of these issues. But at some point, you know, I
13 want to put my leadership in a position where the
14 executives have to talk so we can get to closure.
15 What are we solving here? And so that was my main
16 issue in ensuring there was awareness that I don't
17 have a safety culture problem. I will write a CR all
18 day and all night.

19 SR. SPECIAL AGENT LUINA: Okay.

20 MR. POLICKOSKI: And that's no problem.
21 And that if there's a CR for -- do we follow the
22 process?

23 SR. SPECIAL AGENT LUINA: Yes.

24 MR. POLICKOSKI: I understand the process
25 we follow. When there's many moving parts, then it's

1 leadership's job to communicate, especially when
2 you're dealing with industry. When you're dealing
3 with getting industry help. I'm sorry, when you're
4 dealing with industry and NRC working together like on
5 a RIS (inaudible) and there's many moving parts.

6 The second one is a little bit of a cheap
7 shot because it's not mandatory that -- Erin's role is
8 not even explicitly described in the procedure, only
9 Joe's is as the executive. And it's not mandatory --
10 it does not stipulate a frequency or mandatory of
11 every single meeting. It's a little bit of a cheap
12 shot.

13 I never understood the third one to be
14 honest, because this is the confirmatory order -- the
15 new confirmatory we got relating to the Watts Bar
16 (inaudible) amendment letter. Immediately ignored --
17 We did research to ensure we had complete compliance.
18 There's been a huge effort with that in parallel. I
19 don't know if you need that history, but there's been
20 a massive effort for compliance with that confirmatory
21 order. We signed people that, that was their
22 dedicated role.

23 And then here there had been a couple CRs.
24 The first CRs that Mike was talking about, he felt did
25 not -- because we had a peer team meeting actually to

1 discuss it. He felt that wasn't sufficient, so that's
2 the second set of CRs is when I modified the
3 procedure.

4 SR. SPECIAL AGENT LUINA: Yes.

5 MR. POLICKOSKI: But then after this text,
6 I wrote new CRs.

7 SR. SPECIAL AGENT LUINA: Oh, you did on
8 these issues?

9 MR. POLICKOSKI: Yes.

10 SR. SPECIAL AGENT LUINA: Okay.

11 MR. POLICKOSKI: Right. I think it was
12 actually one CR now that I'm thinking about it, with
13 itemized bullets.

14 SR. SPECIAL AGENT LUINA: Okay.

15 MR. POLICKOSKI: And so that was my --
16 That was in essence, my turning point with my chain of
17 command. That I have attempted in my role as C-Fam to
18 do my job. That I get it, that we as nucs, you know
19 just like the NRC, you're going to have technical
20 disagreements. And that my role as a C-Fam in running
21 a peer team is to arbitrate, we try for consensus.
22 But consensus when nuclear safety is at stake, it's
23 not about consensus. It's about being right and being
24 compliant. But if I'm not in a position where I can
25 run the team effectively because of angst like this,

1 I'm losing my ability to lead the peer team. And so
2 that's when I asked for help, you know, to -- You
3 know, I'll write the CR because I'm not afraid to
4 write a CR. It's never about that.

5 SR. SPECIAL AGENT LUINA: So what did you
6 do? You said you took this information and what did
7 you do with it, I guess, this text?

8 MR. POLICKOSKI: I showed it to my
9 leadership, then wrote the CR.

10 SR. SPECIAL AGENT LUINA: To Henderson, I
11 guess?

12 MR. POLICKOSKI: Joe and Erin together.

13 SR. SPECIAL AGENT LUINA: Joe and Erin
14 together. What did they say when you showed it to
15 them?

16 MR. POLICKOSKI: They concurred no problem
17 with me writing the CR. And I honestly don't know
18 what happened after that. I was asked to show -- you
19 know, provide my text messages. Which providing my
20 personal text messages seemed odd to me, but I did.

21 SR. SPECIAL AGENT LUINA: Oh, you provided
22 them to --

23 MR. POLICKOSKI: Screenshots.

24 SR. SPECIAL AGENT LUINA: -- screenshots
25 for the investigation -- the TVA investigation, I

1 guess?

2 MR. POLICKOSKI: I didn't provide them to
3 the TVA investigation. I think it went to ECP or
4 something. I don't know for a fact where they went.
5 I know they've been transmitted everywhere. But I
6 think they went initially to an ECP, open
7 investigation.

8 SR. SPECIAL AGENT LUINA: And what was
9 your involvement after this? Were you --

10 MR. POLICKOSKI: Other than doing my role
11 with the specific issues and just supporting -- seeing
12 everything through -- specific to those issues, that
13 was it. But then downstream, I got interviewed for
14 the TVA investigation a couple of times --

15 SR. SPECIAL AGENT LUINA: Right.

16 MR. POLICKOSKI: -- which were some of our
17 internal OGC folks.

18 SR. SPECIAL AGENT LUINA: And did you tell
19 them information --

20 MR. POLICKOSKI: I've been interviewed by
21 DOL.

22 SR. SPECIAL AGENT LUINA: Is it similar to
23 what we talked about today or was there anything --

24 MR. POLICKOSKI: Yes.

25 SR. SPECIAL AGENT LUINA: Is anything they

1 asked you about, DOL or the TVA or OGC that I haven't
2 asked you about today that you feel is relevant?

3 (simultaneous speaking)

4 MR. POLICKOSKI: Well I don't mean that in
5 a negative way. I just mean, you know, think about
6 it. It's been discussed a lot.

7 SR. SPECIAL AGENT LUINA: It's like oh
8 yes, you can ask about this. It's kind of --

9 MR. POLICKOSKI: Well I think the
10 important thing to understand is that the oversight
11 function creates a healthy tension on purpose --

12 SR. SPECIAL AGENT LUINA: Okay.

13 MR. POLICKOSKI: -- so that --

14 SR. SPECIAL AGENT LUINA: Like a checks
15 and balances kind of -- sort of?

16 MR. POLICKOSKI: There you go. So you've
17 got the site manager who's in the fray so to speak,
18 who's dealing with the daily dragons. Corporate who
19 owns oversight and governance job is to -- who's not
20 necessarily right next to the dragons, has to ensure
21 they're following our fleet processes. That's a big
22 initiative with TVA is no longer sight procedures if
23 at all possible, fleet procedures. We're trying to
24 elevate our fleet to fleet industry standards. So
25 it's a natural tension. So Sequoyah or some site says

1 this is the way we've always done it. My role is to
2 say I got it, that's how you've always done it. But
3 that's not how we're going to do it. And it's working
4 through that bridge, so it's a natural tension.

5 SR. SPECIAL AGENT LUINA: Have you had
6 those natural tensions with Browns Ferry and with Watts
7 Bar --

8 MR. POLICKOSKI: Oh heck, yes.

9 SR. SPECIAL AGENT LUINA: -- with the site
10 managers too?

11 MR. POLICKOSKI: Yes, I've elevated Browns
12 Ferry twice. I've elevated Watts Bar once. I've
13 never elevated Sequoyah.

14 SR. SPECIAL AGENT LUINA: Elevating, you
15 mean going up to your management on --

16 MR. POLICKOSKI: Yes, it's a formal
17 process to say they have a -- they have a process
18 programmatic breakdown that they're not following or
19 whatever.

20 SR. SPECIAL AGENT LUINA: Okay.

21 MR. POLICKOSKI: And I've never elevated
22 Sequoyah. I elevated the other two sites. Sequoyah
23 generally speaking had the more experienced folks. So
24 there's a natural tension.

25 SR. SPECIAL AGENT LUINA: Yes, a natural

1 tension.

2 MR. POLICKOSKI: Okay?

3 SR. SPECIAL AGENT LUINA: Okay.

4 MR. POLICKOSKI: You asked me if there's
5 other things asked.

6 SR. SPECIAL AGENT LUINA: Yes.

7 MR. POLICKOSKI: The only thing I can
8 think of that you hadn't asked me is, is that relative
9 to who I relieved as prior C-Fam is whether -- And I
10 have no sense of this one way or the other --

11 SR. SPECIAL AGENT LUINA: Right.

12 MR. POLICKOSKI: -- because I wasn't here
13 physically at corporate. But I know part of what's
14 challenged this is the prior C-Fam was the person that
15 Mike got very excited about the fact of the badge
16 records being pulled.

17 SR. SPECIAL AGENT LUINA: Ms. Conner,
18 right?

19 MR. POLICKOSKI: Ms. Conner, yes. And I
20 relieved her as C-Fam. And the challenge is, is that
21 there is an oversight function. There is a chain of
22 command aspect to the C-Fam over the site licensing
23 managers.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. POLICKOSKI: And that relationship is

1 important because, you know, some days I have to
2 cooperate work with the sites. Solve challenging
3 problems, solve their resource issues, help them
4 bridge their gap. Maybe steal a resource from Watts
5 Bar to help Sequoyah through a challenging event.

6 SR. SPECIAL AGENT LUINA: Yes.

7 MR. POLICKOSKI: Other days I have to tell
8 Sequoyah they're doing it wrong.

9 SR. SPECIAL AGENT LUINA: Okay.

10 MR. POLICKOSKI: And part of that is that
11 when relationships get built and it's an everyday
12 challenge is you've got to stay in role. I can't
13 forget the fact that I'm the C-Fam, whether I like it
14 or not.

15 SR. SPECIAL AGENT LUINA: Yes.

16 MR. POLICKOSKI: And so it creates that
17 natural healthy tension I was trying to describe
18 earlier. And I think, you know, from what I inherited
19 coming into this role, that lingering issue, the fact
20 that there might have been some sort of friendship
21 there of some degree. And I come in with these
22 inherited historical issues and trying to sort through
23 them. And I think that created that personal aspect
24 began to tilt and override the professional aspect for
25 Mike.

1 SR. SPECIAL AGENT LUINA: For Mike? Okay.

2 MR. POLICKOSKI: That's what I detected as
3 the responses from him got more emotional, more
4 irrational. His personal views started to override
5 his professional review. And the examples I have for
6 it are that when I was dealing with an issue that had
7 nothing to do with the prior C-Fam or to deal with
8 Erin Henderson, I was dealing with normal logical guy
9 with a lot of years experience, site licensing
10 manager. It was easy to work with him. We were
11 always on the same sheet. Yes, we'd differ over maybe
12 some of the technical, but we would work with the
13 operations folks together -- level headed. As soon as
14 there was an issue from historical that the prior C-
15 Fam was working on or Erin, I got a totally different
16 side of Mike.

17 SR. SPECIAL AGENT LUINA: Prior to this
18 text message, were there other issues that you brought
19 to Erin or Joe's attention dealing with Mike, similar
20 to this -- you know, the way he was handling this
21 issue?

22 MR. POLICKOSKI: No texts, but all verbal.

23 SR. SPECIAL AGENT LUINA: Okay.

24 MR. POLICKOSKI: It was my frustration
25 about his demeanor on peer calls. And the face-to-

1 face meeting I was telling you about --

2 SR. SPECIAL AGENT LUINA: Yes.

3 MR. POLICKOSKI: -- the monthly one, very
4 -- I mean he was neutral at best. Cards to the vest
5 on information because it's hard to help the sites if
6 I'm not given information --

7 SR. SPECIAL AGENT LUINA: Yes.

8 MR. POLICKOSKI: -- and I'm constantly
9 having to draw. And just it degraded, I would say,
10 over the latter part of you know, '17 without a doubt.
11 And it just -- it really hurt my effectiveness. And
12 it was the verbal of that degradation was what I
13 provided Joe and Erin.

14 SR. SPECIAL AGENT LUINA: Okay. Were you
15 at all involved in any of the decisions or discussions
16 on what happened to Mike or what's happened to him in
17 his job or anything like that?

18 MR. POLICKOSKI: No. I mean no, other
19 than the fact that I got brought into some of the
20 investigations --

21 SR. SPECIAL AGENT LUINA: Yes.

22 MR. POLICKOSKI: -- if that's what you
23 mean.

24 SR. SPECIAL AGENT LUINA: Because you know
25 what's happened to him, I guess? You know about being

1 removed from the site?

2 MR. POLICKOSKI: Now I do, yes.

3 SR. SPECIAL AGENT LUINA: Yes. But prior
4 to that when it happened, you didn't know?

5 MR. POLICKOSKI: Well I mean it was
6 obvious after a couple of weeks. His dad had an
7 issue. Initially that's why we thought he went away.
8 And then the awareness of a complaint and the
9 connection to that and his suspension became very
10 apparent.

11 SR. SPECIAL AGENT LUINA: Okay.

12 MR. POLICKOSKI: The coincidental timing
13 of his dad's issue, I'm not sure what was going on.

14 SR. SPECIAL AGENT LUINA: Yes, okay. Were
15 you told anything as to why he was removed from site
16 at Sequoyah? And it was in May -- end of May of 2018?

17 MR. POLICKOSKI: Initially the
18 communications was just -- and it was probably many
19 weeks later -- it was just that there was an
20 investigation. I think that was the main word being
21 used --

22 SR. SPECIAL AGENT LUINA: Yes.

23 MR. POLICKOSKI: -- was there was an
24 investigation of an issue. And we got a much more --
25 I won't say it was exhaustively detailed in the group

1 setting with the group downstairs once I think he
2 resigned in the end -- once he resigned, what
3 transpired. Now the managers, and me being one of
4 them, got brought in. We only got a slightly more
5 detailed explanation. And it dealt with the whistle
6 blower aspect of it.

7 SR. SPECIAL AGENT LUINA: Okay.

8 MR. POLICKOSKI: That was the only
9 additional, I would say nugget we got.

10 SR. SPECIAL AGENT LUINA: Okay. And what
11 was that? What were you told about that?

12 MR. POLICKOSKI: It was just that there
13 was an investigation relative to the complaint that
14 was filed related to -- I think it's called the
15 Whistle Blower Protection Act. And I think it was
16 connected to -- ultimately something that was
17 connected to those badges, I guess, that I told you
18 earlier.

19 SR. SPECIAL AGENT LUINA: Okay, all right.
20 Okay, all right.

21 MR. POLICKOSKI: Part of the
22 communications that was being offered was that it was
23 making it clear that Whistle Blower Protection Act
24 protects all employees, not just non-managers.

25 SR. SPECIAL AGENT LUINA: Okay.

1 MR. POLICKOSKI: That was the main message
2 that Joe put out.

3 SR. SPECIAL AGENT LUINA: And not
4 necessarily just the employee protection rule under --

5 MR. POLICKOSKI: 50.7?

6 SR. SPECIAL AGENT LUINA: -- the NRC.
7 Yes, 50.7.

8 (Simultaneous speaking)

9 MR. POLICKOSKI: No, this was a separate
10 --

11 (Simultaneous speaking)

12 MR. POLICKOSKI: Yes, this is not the --
13 this is not NRC regs. This is broader regs.

14 SR. SPECIAL AGENT LUINA: I got you, okay.
15 Okay, all right. Let's see. And you were
16 interviewed, you said before by TBA, OGC on this?

17 MR. POLICKOSKI: Correct.

18 SR. SPECIAL AGENT LUINA: How many times
19 were you interviewed you think?

20 MR. POLICKOSKI: Twice.

21 SR. SPECIAL AGENT LUINA: Twice? Okay.
22 Were you asked to provide examples of your text
23 messages or emails or any of that kind of information
24 over to them, I guess?

25 MR. POLICKOSKI: I was asked to provide

1 the text messages and I refused.

2 SR. SPECIAL AGENT LUINA: Oh, you did?
3 Okay. And then eventually you did provide them?

4 MR. POLICKOSKI: No, I knew he already had
5 them --

6 SR. SPECIAL AGENT LUINA: Oh, okay.

7 MR. POLICKOSKI: -- because he had them in
8 front of him.

9 SR. SPECIAL AGENT LUINA: Oh, I see.
10 Okay, all right.

11 MR. POLICKOSKI: And I guess my view was
12 that at some point, my personal information is my
13 personal information. And I don't know, I just felt
14 that handing over my personal cell phone --

15 SR. SPECIAL AGENT LUINA: Yes.

16 MR. POLICKOSKI: -- is inappropriate.

17 SR. SPECIAL AGENT LUINA: Okay.

18 MR. POLICKOSKI: You know? That was what
19 I was thinking. I mean I know he had them in front of
20 him just like you do.

21 SR. SPECIAL AGENT LUINA: This one though?

22 MR. POLICKOSKI: Yes, I think it was -- I
23 don't know if that was McBrearty's print or mine. But
24 the one I provided is the one he had.

25 SR. SPECIAL AGENT LUINA: Okay, all right.

1 MR. POLICKOSKI: I mean to be specific, he
2 asked me to hand me -- he asked me to hand my cell
3 phone to him so he could read them.

4 SR. SPECIAL AGENT LUINA: Okay.

5 MR. POLICKOSKI: And I told him I felt
6 that was not appropriate to give up my personal phone.
7 If it was a TVA phone, you know?

8 SR. SPECIAL AGENT LUINA: Yes, I see.
9 That's a different story, I guess. Right? Okay.

10 MR. POLICKOSKI: I don't know if I did
11 something wrong there, but --

12 SR. SPECIAL AGENT LUINA: No.

13 MR. POLICKOSKI: -- I'm telling the truth
14 of what happened.

15 SR. SPECIAL AGENT LUINA: No, that's fine.
16 Let's see. All right. Okay, well is there anything
17 that I haven't asked you about that you feel is
18 relevant today in this matter?

19 MR. POLICKOSKI: I'm thinking.

20 SR. SPECIAL AGENT LUINA: Okay.

21 MR. POLICKOSKI: Not that I can think of.

22 SR. SPECIAL AGENT LUINA: Not that you can
23 think of right now?

24 MR. POLICKOSKI: No. I mean because I
25 realize there's two driving issues. You asked me

1 about those. And then the peer team relationship is
2 important to understand --

3 SR. SPECIAL AGENT LUINA: Right.

4 MR. POLICKOSKI: -- that context of the
5 roles. We went over that. No, I think that's it.

6 SR. SPECIAL AGENT LUINA: Let me make sure
7 I got everything. Okay, all right. If there's
8 nothing else, I've got some questions I need to ask
9 you here at the end that we ask everyone we interview.
10 I need to ask you have I or any representative of the
11 NRC threatened you in any manner today?

12 MR. POLICKOSKI: No, sir.

13 SR. SPECIAL AGENT LUINA: Have you been
14 offered any reward or compensation in return for the
15 information that you have provided during this
16 interview?

17 MR. POLICKOSKI: No, sir.

18 SR. SPECIAL AGENT LUINA: Have you
19 provided the information freely and voluntarily?

20 MR. POLICKOSKI: Yes, sir.

21 SR. SPECIAL AGENT LUINA: Okay. Is there
22 anything else you'd like to add to the record at this
23 time?

24 MR. POLICKOSKI: No, sir.

25 SR. SPECIAL AGENT LUINA: All right. If

1 you think of anything, you know you can reach out to
2 me directly or through Mr. Chandler. But if there's
3 nothing else, the time is now 2:35 p.m. on May the
4 28th, 2019 and this interview is concluded.

5 (Whereupon, the interview in the above-
6 entitled matter was concluded at 2:35 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of
James Polickoski

Docket Number: 2-2018-033

Location: Chattanooga, TN

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.



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