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Sent: Tuesday, February 16, 2021 3:18 PM
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Subject: Interview of David Czufin
Attachments: 0408NRC.0280.Czufin.pdf

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1282

Mail Envelope Properties (7b9a46c133fc47008a13092e7aa00613)

Subject: Interview of David Czufin
Sent Date: 2/16/2021 3:17:34 PM
Received Date: 2/16/2021 3:17:35 PM
From: JShealA-Hearing Resource

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Files	Size	Date & Time
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0408NRC.0280.Czufin.pdf	217173	

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OI INVESTIGATION INFORMATION

Title: Interview of David Czufin

Docket Number: 2-2018-033

Location: Chattanooga, Tennessee

Date: Friday, March 29, 2019

Work Order No.: NRC-0280

Pages 1-41

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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.

DAVID M. CZUFIN : 2-2018-033

(CLOSED) :

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Friday,

March 29, 2019

TVA Corporate Office

Chattanooga, Tennessee

The above-entitled interview was conducted
at 12:09 p.m.

BEFORE:

Senior Special Agent SCOTT LUINA

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APPEARANCES:

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

CHRISTOPHER CHANDLER, ESQ.
Office of the General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902
865-632-7317
cchandler0@tva.gov

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

2 12:09 p.m.

3 SR. SPECIAL AGENT LUINA: All right,
4 today's date is March the 29th, 2019. The time is
5 now 12:09 p.m. This interview is being conducted
6 with David M. Czufin; that's C-Z-U-F-I-N, who is
7 currently employed by the Tennessee Valley
8 Authority, the TVA, as a Senior Vice President of
9 Engineering and Operations Support here at the TVA
10 offices located in Chattanooga, Tennessee. The
11 location of today's interview is also the TVA
12 offices located in Chattanooga. As I explained to
13 you, Mr. Czufin, I am Special Agent Scott Luina, L-
14 U-I-N-A, with the Nuclear Regulatory Commission's
15 Office of Investigations, Region 2 field office out
16 of Atlanta, Georgia. Also present at your request
17 is Mr. Christopher Chandler, C-H-A-N-D-L-E-R, who is
18 an attorney with the TVA's Office of General
19 Counsel, and I'll go over some stuff about his
20 presence here today. But before I do that, I need
21 to remind you this interview is being recorded and
22 will be transcribed at a later date. I need to you
23 ask you, sir, are you recording or transmitting this
24 interview right now?

25 MR. CZUFIN: I am not.

1 SR. SPECIAL AGENT LUINA: Thank you.
2 Chris, the same question?

3 MR. CHANDLER: I am not.

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

9 MR. CZUFIN: I do not.

10 SR. SPECIAL AGENT LUINA: All right,
11 good. Please raise your right hand with me. Mr.
12 Czufin, do you swear the testimony you're about to
13 provide today will be the truth, the whole truth and
14 nothing but the truth so help you God?

15 MR. CZUFIN: I do.

16 SR. SPECIAL AGENT LUINA: All right.
17 Thank you, sir. I appreciate you doing that. I've
18 got some questions I need to ask you, that we ask
19 everyone; we requested counsel be present during
20 interviews, that also represents the company. I
21 need to ask you, sir, is Mr. Chandler representing
22 you personally in regard to this investigation?

23 MR. CZUFIN: Yes.

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

1 MR. CZUFIN: I do.

2 SR. SPECIAL AGENT LUINA: Do you
3 understand that Mr. Chandler also represents the
4 company and potentially other individuals involved
5 in this matter?

6 MR. CZUFIN: I do.

7 SR. SPECIAL AGENT LUINA: Does your
8 employer require you to have an attorney present
9 when you're interviewed by the NRC's Office of
10 Investigations?

11 MR. CZUFIN: They do not.

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

15 MR. CZUFIN: I did not.

16 SR. SPECIAL AGENT LUINA: Do you
17 understand that you have a private interview with me
18 at your convenience?

19 MR. CZUFIN: I do.

20 SR. SPECIAL AGENT LUINA: With that
21 understanding, do you still want Mr. Chandler
22 present as your representative here today?

23 MR. CZUFIN: I do.

24 SR. SPECIAL AGENT LUINA: Were you
25 offered the choice of other attorney representation

1 who did not have the additional role as a
2 representative of TVA? For example, could you go
3 out and get your own attorney, I guess, if you
4 wanted to, personal attorney?

5 MR. CZUFIN: I could if I wanted to, but
6 I chose Mr. Chandler.

7 SR. SPECIAL AGENT LUINA: Okay. All
8 right, I just want to make sure that you understand
9 that, that you can go get your own personal
10 attorney, go to the Yellow Pages I guess and look it
11 up.

12 Do you feel that you would suffer any
13 adverse consequences from your employer if you would
14 have elected not to have representation here today?

15 MR. CZUFIN: No.

16 SR. SPECIAL AGENT LUINA: Will your
17 testimony in this matter be inhibited in any way by
18 Mr. Chandler's presence?

19 MR. CZUFIN: No.

20 SR. SPECIAL AGENT LUINA: With the
21 knowledge that Mr. Chandler represents you and your
22 employer concurrently in this matter, if you had
23 knowledge or information which you believed to be
24 adverse to your employer, would you still feel free
25 to provide such information or testimony here today?

1 MR. CZUFIN: I would.

2 SR. SPECIAL AGENT LUINA: All right,
3 good. Any questions about any of those?

4 MR. CZUFIN: No.

5 SR. SPECIAL AGENT LUINA: Okay. Mr.
6 Chandler, if you could please explain for the record
7 who you're employed by and your purpose of being at
8 today's interview.

9 MR. CHANDLER: Yes, my name is
10 Christopher Chandler; I'm the Associate General
11 Counsel for Nuclear Tennessee Valley Authority,
12 Office of General Counsel. I represent TVA in this
13 matter and its employees, including Mr. Czufin.

14 SR. SPECIAL AGENT LUINA: Okay. Any
15 type of conflict you see right now in
16 representation?

17 MR. CHANDLER: I do not.

18 SR. SPECIAL AGENT LUINA: Okay, good.
19 Mr. Czufin, any questions about that again?

20 MR. CZUFIN: No.

21 SR. SPECIAL AGENT LUINA: Okay, and I
22 provided you my card, correct?

23 MR. CZUFIN: Correct.

24 SR. SPECIAL AGENT LUINA: Okay, so if at
25 any time you change your mind hours from now or

1 weeks from now, or months from now and you want to
2 reach out to me directly, you can do that. Do you
3 understand?

4 MR. CZUFIN: I do.

5 SR. SPECIAL AGENT LUINA: Either about
6 this matter or anything that the NRC investigates,
7 or you can reach out to me through Mr. Chandler.

8 MR. CZUFIN: I understand.

9 SR. SPECIAL AGENT LUINA: All right, or
10 you can reach out to me by NRC residents,
11 inspectors, anybody you can, with any concerns.

12 MR. CZUFIN: Okay.

13 SR. SPECIAL AGENT LUINA: You know, with
14 or without counsel is the main thing I want to make
15 sure you understand.

16 MR. CZUFIN: Okay.

17 SR. SPECIAL AGENT LUINA: I guess the
18 big point of that is having him here today doesn't
19 preclude you from not having him with you in the
20 future.

21 MR. CZUFIN: I understand that.

22 SR. SPECIAL AGENT LUINA: Okay, good.
23 All right, sorry we have to do that. If you could,
24 Mr. Czufin, kind of give me some background
25 information about yourself to explain your

1 experience in the nuclear industry.

2 MR. CZUFIN: Okay, I'm a mechanical
3 engineer. I went to the University of Florida. I
4 graduated and went to work at the Brunswick Station;
5 I worked at Brunswick Station for about six years
6 doing field engineering type work, and then design
7 engineering. Left the Brunswick Station, went to
8 Crystal River which was Florida Power Corporation,
9 and there I was a system engineer, worked my way up
10 in that organization, went into maintenance, and
11 then went into a support operations job. From there
12 I went to LaSalle Station, was there six years, was
13 the engineering director. Worked at Exelon for
14 about 13-1/2 years and when I left I had been the
15 Engineering Vice President and the Site Vice
16 President at Dresden Station, and came to TVA about
17 5-1/2 years ago in the position that I'm in now.

18 SR. SPECIAL AGENT LUINA: Approximately
19 when, 2000 --?

20 MR. CZUFIN: 13.

21 SR. SPECIAL AGENT LUINA: '13-ish, okay.
22 Into the position you're in right now; you've had
23 that same job?

24 MR. CZUFIN: Yes. It's changed a little
25 bit over the years, but for the most part I'm in the

1 same position.

2 SR. SPECIAL AGENT LUINA: As the VP of
3 Engineering -- or Senior VP of Engineering and --?

4 MR. CZUFIN: Operations Support.

5 SR. SPECIAL AGENT LUINA: Okay. So who
6 do you report directly to, who's your --?

7 MR. CZUFIN: Tim Rausch is the Chief
8 Nuclear Officer.

9 SR. SPECIAL AGENT LUINA: Okay, CNO. Do
10 you have direct report, people that report to you?

11 MR. CZUFIN: I do.

12 SR. SPECIAL AGENT LUINA: All right, how
13 many of those do you have, again?

14 MR. CZUFIN: Well, that's a good
15 question. Today I'm in an acting role for my peer
16 who's at Browns Ferry.

17 SR. SPECIAL AGENT LUINA: Okay.

18 MR. CZUFIN: But I've been doing that,
19 in my official job I have --

20 SR. SPECIAL AGENT LUINA: What
21 departments, I guess?

22 MR. CZUFIN: I have engineering reports
23 to me, licensing reports to me, operations support
24 reports to me. I have two individuals -- three
25 individuals that report to me, one is my admin, one

1 is director who's over nuclear safety culture, and
2 then I have a director who is an alliance director.
3 And the nuclear -- or the Operations Support Vice
4 President, that position's not filled, which means
5 that I have three individuals that normally report
6 to that individual that are reporting to me now.

7 SR. SPECIAL AGENT LUINA: Okay, so
8 licensing, would that be Mr. Shea who reports
9 directly to you, I guess? Mr. Shea does?

10 MR. CZUFIN: Yes.

11 SR. SPECIAL AGENT LUINA: All right. So
12 some of the information I want to talk to you about
13 today is, as I mentioned to you is, dealing with
14 allegations you received from Mr. Mike McBrearty.
15 Do you recall when he worked out here?

16 MR. CZUFIN: I do.

17 SR. SPECIAL AGENT LUINA: What kind of
18 interaction would you have with him, I guess?

19 MR. CZUFIN: He worked in the corporate
20 office at one point when I was here. I didn't have
21 a whole lot of interaction with Mike, maybe some
22 discussion on personnel development, things like
23 that. He was not here long, and then he had been at
24 Sequoyah, I believe, and then went back to Sequoyah.

25 SR. SPECIAL AGENT LUINA: Okay. So his

1 time at Sequoyah I'm assuming not a lot of
2 interaction?

3 MR. CZUFIN: Not a whole lot.

4 SR. SPECIAL AGENT LUINA: Okay. You
5 wouldn't have daily or weekly phone calls with him
6 or anything, or interaction?

7 MR. CZUFIN: No.

8 SR. SPECIAL AGENT LUINA: Okay. I know
9 he's not in your supervisory chain, so that makes
10 sense to me.

11 MR. CZUFIN: No.

12 SR. SPECIAL AGENT LUINA: Okay. Just in
13 general terms, from what you do know about Mr.
14 McBrearty -- or did you know him before here? I
15 guess you knew him at other sites or anything like
16 this?

17 MR. CZUFIN: I met him at TVA.

18 SR. SPECIAL AGENT LUINA: All right. I
19 always ask that now; I'm learning that people
20 sometimes, "Oh yeah, I knew him 20 years ago."

21 MR. CZUFIN: Especially in this
22 industry.

23 SR. SPECIAL AGENT LUINA: Yes,
24 especially in this industry. It's kind of good to
25 know the perspective that people are coming from.

1 Okay, when he was out here, it's my understanding --
2 well, I guess I'll ask you this; from the time he
3 was working out here, from what you observed and
4 what you witnessed and maybe the feedback that was
5 provided to you, how would you describe his job
6 performance -- in his position in site licensing --
7 was there anything you knew about -- good or bad?

8 MR. CZUFIN: I think Mike is a competent
9 -- I think he was competent in his role, he was
10 experienced in his role. When he worked here in the
11 corporate office I don't recall any issues with
12 Mike. When he went back to the Sequoyah Station, I
13 do know that Joe Shea did come and talk to me on
14 more than one occasion about concerns he had with
15 Mike and one of his employees.

16 SR. SPECIAL AGENT LUINA: Okay, let's
17 talk about that. When did that -- so it started
18 when he went back to Sequoyah, you mentioned that.

19 MR. CZUFIN: Yes.

20 SR. SPECIAL AGENT LUINA: What concerns
21 did Mr. Shea come and talk to you about?

22 MR. CZUFIN: He thought that Mike was
23 being unfair to Erin Henderson and there were
24 comments made, some things with emails. When Joe
25 and I talked, Joe talked about who he was going to

1 go talk to at Sequoyah and that he was going to talk
2 to Mike himself about it. And that's kind of the
3 progression that we had; we would talk a little bit
4 about who he had talked to and they were going to
5 talk to Mike and --

6 SR. SPECIAL AGENT LUINA: Who was he
7 going to talk to at Sequoyah?

8 MR. CZUFIN: He was going to talk to the
9 Site VP, he was going to talk to --

10 SR. SPECIAL AGENT LUINA: Who was it at
11 that time, was it Tony?

12 MR. CZUFIN: Well, there were two; there
13 was Greg Borshek and Tony Williams. I believe he
14 talked to both of them.

15 SR. SPECIAL AGENT LUINA: Okay.

16 MR. CZUFIN: He was also going to talk
17 to his supervisor who at the time was Dennis
18 Demopolous.

19 SR. SPECIAL AGENT LUINA: Okay. What
20 did you think about that -- and what did he explain
21 to you specifically he was going to talk to him
22 about?

23 MR. CZUFIN: About the relationship
24 between Mike and Erin, and he wanted to make sure
25 that it was a professional working relationship.

1 And I was good with it and I told Joe that if he
2 needed me to weigh in or get involved, to let me
3 know.

4 SR. SPECIAL AGENT LUINA: Okay. Did you
5 ever have to?

6 MR. CZUFIN: I did not, but I was
7 surprised when I think in March of 2018 that I
8 learned that it was still continuing. It surprised
9 me that it was still continuing because I know many
10 people had talked to Mike.

11 SR. SPECIAL AGENT LUINA: Prior to March
12 2018?

13 MR. CZUFIN: That's correct.

14 SR. SPECIAL AGENT LUINA: Okay. How
15 approximate, 2016, '17, maybe --?

16 MR. CZUFIN: I would have said '17.

17 SR. SPECIAL AGENT LUINA: '17, the
18 latest I guess?

19 MR. CZUFIN: Yes.

20 SR. SPECIAL AGENT LUINA: Yes.

21 MR. CZUFIN: I don't remember when Tony
22 got here, but it was -- the dates get mixed up, but
23 Tony has not been with TVA that long.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. CZUFIN: Tony Williams. I would

1 have said 2017 would have been --

2 SR. SPECIAL AGENT LUINA: Did Shea --
3 anyone else come and talk to you besides Joe Shea
4 about problems?

5 MR. CZUFIN: No.

6 SR. SPECIAL AGENT LUINA: Did Erin
7 Henderson come talk to directly about anything?

8 MR. CZUFIN: Erin had -- I had sought
9 out Erin and asked her and told her that I had
10 talked to Joe, and that he said he was going to
11 handle it.

12 SR. SPECIAL AGENT LUINA: That Joe was
13 going to handle it? And what type of -- you said
14 talked about trust, relationship issues or he was
15 being unfair to Erin?

16 MR. CZUFIN: I thought it was -- I don't
17 know if I recall specifics. I recall some emails
18 where she was left off and I thought there were some
19 conversations on conference calls that Mike had not
20 been professional to Erin.

21 SR. SPECIAL AGENT LUINA: You didn't
22 specifically witness them, you just told --?

23 MR. CZUFIN: No.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. CZUFIN: I don't recall witnessing

1 anything that Mike -- any specifics in this -- I
2 just knew that there was something going on.

3 SR. SPECIAL AGENT LUINA: Okay, that was
4 a good point. I understand there's peer team phone
5 calls that Shea has with sites.

6 MR. CZUFIN: Yes, I don't participate in
7 that peer team. I have a different peer team.

8 SR. SPECIAL AGENT LUINA: Okay, just
9 want to make sure. All right. It's also my
10 understanding that during this period there was some
11 employee concerns raised about Ms. Henderson by
12 Mike; do you recall those?

13 MR. CZUFIN: I do.

14 SR. SPECIAL AGENT LUINA: I think you
15 got some letters on them and stuff.

16 MR. CZUFIN: Yes.

17 SR. SPECIAL AGENT LUINA: Let's see --
18 and this is '17, this one's from '16 -- I think you
19 got copies too. Let me find you --

20 I apologize, I thought I had yours.
21 This is the one that Mr. Shea got. Well, do you
22 recall getting --

23 MR. CZUFIN: Yes, here's the one. This
24 is the one. I know I was debriefed on it.

25 SR. SPECIAL AGENT LUINA: Yes, this is

1 from September 2016. Yes, I want you to look at
2 that one then. That's some of the first ones that I
3 have. Yes, it's dated September the 6th, 2016.
4 That letter is to you.

5 MR. CZUFIN: Right.

6 SR. SPECIAL AGENT LUINA: And I think
7 Mr. Shea got one similar from ECP. And you were
8 probably provided at 1600638, a copy of the report.
9 And I had mentioned this is actually 2016, this is
10 actually filed by Terry Michelle Connor who filed
11 this concern, I guess, with ECP.

12 MR. CZUFIN: Okay.

13 SR. SPECIAL AGENT LUINA: I guess, my
14 question for you is it talks about some corrective
15 actions in there.

16 MR. CZUFIN: Correct.

17 SR. SPECIAL AGENT LUINA: Do you know if
18 those corrective actions were completed?

19 MR. CZUFIN: I know that there was a
20 plan put together that I believe Joe worked with
21 Erin, but it was geared around trying to improve
22 communications and any trust in the organization,
23 and part of that plan included performing a series
24 of either ECP pulsings or surveys to see if people
25 were free to raise concerns in the organization.

1 SR. SPECIAL AGENT LUINA: Okay.

2 MR. CZUFIN: And the results of that
3 showed that there was improvement.

4 SR. SPECIAL AGENT LUINA: Okay. And
5 there was two additional investigations that came
6 out in '17 -- and I don't have the one that was sent
7 to you -- I assume one was sent to you. That's from
8 '17 and it went to Mr. Shea. And again, my question
9 is going to be if any of those corrective actions
10 were done? And if so -- (Inaudible.)

11 MR. CZUFIN: Yes.

12 MR. CHANDLER: Which one is that, 683?

13 MR. CZUFIN: 83.

14 SR. SPECIAL AGENT LUINA: 83, yes.

15 MR. CZUFIN: I just need to know which
16 one this is.

17 SR. SPECIAL AGENT LUINA: Is there a
18 number on there? That's a letter dated September
19 12th, 2017; it should be in there.

20 MR. CZUFIN: This is the one where Erin
21 mentioned a person's name who had filed an employee
22 concern.

23 SR. SPECIAL AGENT LUINA: That'd be the
24 next one, I think. That's this one, I think.

25 MR. CZUFIN: It says it's asserted that

1 the -- oh, you discussed aspects of a concern in a
2 staff meeting.

3 SR. SPECIAL AGENT LUINA: Yes, I got
4 that sticky wrong, maybe. Yes, I think it's this
5 report, the 1700410 talked about that.

6 MR. CZUFIN: Okay.

7 SR. SPECIAL AGENT LUINA: Yes. Do you
8 recall that one?

9 MR. CZUFIN: I do.

10 SR. SPECIAL AGENT LUINA: Were the
11 corrective actions done on those?

12 MR. CZUFIN: Yes. And I did talk to
13 Erin about this one.

14 SR. SPECIAL AGENT LUINA: Oh, you did?

15 MR. CZUFIN: I did.

16 SR. SPECIAL AGENT LUINA: And what did
17 you --?

18 MR. CZUFIN: I just told her that I
19 believe that she may have used the name incorrectly
20 and I understood what she was doing, but that it's
21 important that we not mention people's names when
22 they file an ECP complaint.

23 SR. SPECIAL AGENT LUINA: How did she
24 respond to that?

25 MR. CZUFIN: She understood that. Yes,

1 and I was convinced that she did it inadvertently
2 and I did not see any attempt on her part to do it
3 purposefully.

4 SR. SPECIAL AGENT LUINA: Did she
5 receive any type of discipline for that?

6 MR. CZUFIN: I do not believe so.

7 SR. SPECIAL AGENT LUINA: Did that come
8 from you or from Shea, I guess?

9 MR. CZUFIN: It would have been Shea.

10 SR. SPECIAL AGENT LUINA: From Shea.
11 But if she got a written warning or something --?

12 MR. CZUFIN: It would have come from
13 him.

14 SR. SPECIAL AGENT LUINA: Okay. You're
15 not sure? But you did speak with her?

16 MR. CZUFIN: I did.

17 SR. SPECIAL AGENT LUINA: Good. All
18 right, let me ask you this; did Shea, when he
19 mentioned about these relationship issues, did he
20 mention anything else, the reason why that they had
21 a problem, McBrearty and Henderson, or McBrearty had
22 a problem with Henderson, I guess, or what was
23 causing a strain on the relationship? Was there any
24 issues or concerns?

25 MR. CZUFIN: No, he didn't. We

1 recognized that Mr. McBrearty and Ms. Connor were
2 very good friends.

3 SR. SPECIAL AGENT LUINA: Okay.

4 MR. CZUFIN: And that was -- that could
5 be a belief, but that was not something that we
6 readily discussed.

7 SR. SPECIAL AGENT LUINA: The --?

8 MR. CZUFIN: The fact that they were
9 friends and that Michelle, Ms. Connor was not happy
10 in her workplace here?

11 SR. SPECIAL AGENT LUINA: Okay. Any
12 other concerns that McBrearty might have, just with
13 maybe corporate nuclear licensing involved or --
14 what I'm talking about is were you aware of any of
15 these, the non-sited violations that Sequoyah had on
16 two different issues in 2015?

17 MR. CZUFIN: I was just vaguely aware of
18 the one that was -- I think we called it the service
19 light.

20 SR. SPECIAL AGENT LUINA: Service light,
21 okay.

22 MR. CZUFIN: I do know that we
23 eventually resolved that, but it was really not
24 something that got to my level. I had heard mention
25 of it, but I did not get involved in it.

1 SR. SPECIAL AGENT LUINA: What did you
2 hear mention of it, I guess; was it that McBrearty
3 had a concern about it or how it was being
4 addressed?

5 MR. CZUFIN: The way I understood it was
6 the point at which we would act on it, there was a
7 difference in opinion; one wanted to do it sooner
8 than later. I think Mr. McBrearty wanted to do it
9 sooner and Joe's recommendation was that we wait.

10 SR. SPECIAL AGENT LUINA: Did McBrearty
11 ever come talk to you specifically?

12 MR. CZUFIN: He did not.

13 SR. SPECIAL AGENT LUINA: You mentioned
14 a service light -- anything about a kirk key in CV?

15 MR. CZUFIN: I know that name, but I
16 don't know anything about that.

17 SR. SPECIAL AGENT LUINA: Okay.

18 MR. CZUFIN: I know what a kirk key is,
19 but I don't know anything (Simultaneous speaking.)

20 SR. SPECIAL AGENT LUINA: I gotcha. And
21 that's K-I-R-K for the record, kirk key. Dealing
22 with that issue you mentioned there about when to
23 address it might have been not as quickly as what
24 you'd like. In your experience, was there anything
25 unusual about that service light issue or -- I mean,

1 as an outsider myself, 2015 all the way to 2018, did
2 you address anything?

3 MR. CZUFIN: The only thing I recall was
4 there was an industry paper or an industry
5 publication that was being prepared. I thought I
6 recalled there being a RIS.

7 SR. SPECIAL AGENT LUINA: Okay, and
8 that's a --?

9 MR. CZUFIN: A Regulatory Information
10 Summary.

11 SR. SPECIAL AGENT LUINA: Thank you.

12 MR. CZUFIN: Again, I don't know a whole
13 lot about this, but I thought there was a reason why
14 we wanted to wait.

15 SR. SPECIAL AGENT LUINA: And that was
16 relayed to you by Mr. Shea, I assume?

17 MR. CZUFIN: I don't know where I got
18 that information.

19 SR. SPECIAL AGENT LUINA: Okay.

20 MR. CZUFIN: But again, I was not in the
21 middle of it; this was kind of second-hand.

22 SR. SPECIAL AGENT LUINA: Okay. All
23 right, and you mentioned already March 2018 you
24 became aware of something. Was there anything else
25 besides the ECP investigations and Mr. Shea talking

1 to you every now and then about issues with
2 McBrearty and Henderson, anything else that came to
3 light prior to March 2018?

4 MR. CZUFIN: Not that I recall.

5 SR. SPECIAL AGENT LUINA: Okay. Do you
6 want to tell me what happened March 2018, what you
7 learned about -- you said you were kind of surprised
8 to learn something?

9 MR. CZUFIN: Yes, I was actually not
10 here. And I came back to learn that one of Erin's
11 employees had gotten a text from Mr. McBrearty and
12 it was --

13 SR. SPECIAL AGENT LUINA: Do you know
14 who that was?

15 MR. CZUFIN: I think it was James
16 Polikowski.

17 SR. SPECIAL AGENT LUINA: Polikowski?

18 MR. CZUFIN: Mm-hmm.

19 SR. SPECIAL AGENT LUINA: Talk about
20 that.

21 MR. CZUFIN: That it was -- I don't
22 believe I have put my eyes on the text, but that it
23 was unprofessional and targeted at Erin, and she got
24 very upset and it was at that point that she decided
25 to file a complaint saying that she was being

1 harassed.

2 SR. SPECIAL AGENT LUINA: And did you
3 see the complaint?

4 MR. CZUFIN: I did. She sent it to me.

5 SR. SPECIAL AGENT LUINA: Oh, she sent
6 it to you as well?

7 MR. CZUFIN: Mm-hmm.

8 SR. SPECIAL AGENT LUINA: What was your
9 take on it; was there anything in there that was --
10 what was your take on the complaint, I guess?

11 MR. CZUFIN: I thought that -- I think
12 that any employee who feels that they're being
13 harassed has the right to file a complaint. And if
14 she felt she was being harassed, I was going to
15 support her.

16 SR. SPECIAL AGENT LUINA: Okay. So what
17 did you do, what steps did you take after she filed
18 it?

19 MR. CZUFIN: I went and talked to her.
20 I did want to know if there was anything we needed
21 to do for her. She said she was okay in the role
22 she was filling. I told her that I would support
23 her and that I would work with OGC to make sure that
24 we got the right people to do the investigation.

25 SR. SPECIAL AGENT LUINA: Who decided to

1 provide it to OGC, I guess?

2 MR. CZUFIN: I think that's typically
3 done between Human Resources and OGC.

4 SR. SPECIAL AGENT LUINA: Yes, because
5 she also provided this to Human Resources many
6 times.

7 MR. CZUFIN: Okay.

8 SR. SPECIAL AGENT LUINA: Did you make
9 that decision?

10 MR. CZUFIN: I did not. I don't know
11 where that was made.

12 SR. SPECIAL AGENT LUINA: Okay. You
13 just know they got involved at some point?

14 MR. CZUFIN: That's correct.

15 SR. SPECIAL AGENT LUINA: Okay, and then
16 what was your involvement after that?

17 MR. CZUFIN: I was periodically checking
18 on it and at some point the lead for that in OGC
19 contacted me and asked that I be the point of
20 contact because they thought Mr. Shea might be too
21 close to it, and that's when I became the point of
22 contact for the report.

23 SR. SPECIAL AGENT LUINA: What does that
24 entail, being the point of contact?

25 MR. CZUFIN: They were just going to

1 give me updates on where we were at with the report.

2 SR. SPECIAL AGENT LUINA: Was that Mr.
3 Slater?

4 MR. CZUFIN: It was actually Jennifer
5 Grace who I talked to.

6 SR. SPECIAL AGENT LUINA: Okay. What
7 was her title, again? She's the --?

8 MR. CHANDLER: She was the managing
9 attorney for labor and employment.

10 SR. SPECIAL AGENT LUINA: Okay.

11 MR. CHANDLER: And now Associate General
12 Counsel for labor and employment, for Human
13 Resources.

14 SR. SPECIAL AGENT LUINA: Okay, so you
15 were going to be the POC. Did you get periodic
16 updates?

17 MR. CZUFIN: I did. And I got the
18 report when it was issued.

19 SR. SPECIAL AGENT LUINA: Did you get
20 the draft report that came out initially, is my
21 understanding?

22 MR. CZUFIN: Yes.

23 SR. SPECIAL AGENT LUINA: Okay. My
24 understanding is that came out in end of May. Did
25 you get --?

1 MR. CZUFIN: One was draft and it was
2 the final was either a day or two later.

3 SR. SPECIAL AGENT LUINA: Okay, so you
4 got -- okay -- all right, what happened after you
5 received it?

6 MR. CZUFIN: I believe I talked to Human
7 Resources and OGC, and then I called Tony Williams
8 at Sequoyah. And then I went to Sequoyah with the
9 report and met with Al Dotz and I showed him the
10 report and I told Al that my recommendation was that
11 -- it was he and Tony's decision -- but my
12 recommendation was that we put Michael McBrearty on
13 administrative leave, paid administrative leave
14 pending the results of the investigation.

15 SR. SPECIAL AGENT LUINA: Did you meet
16 with Tony and Al?

17 MR. CZUFIN: No, I believe Tony was off
18 site, and I met with Al.

19 SR. SPECIAL AGENT LUINA: Okay. And
20 what did Al say?

21 MR. CZUFIN: He read the letter, he read
22 the report and he agreed with me. And that's when
23 he later called Mr. McBrearty and informed him that
24 he was being put on administrative leave and pay.

25 SR. SPECIAL AGENT LUINA: The same day?

1 MR. CZUFIN: That's correct.

2 SR. SPECIAL AGENT LUINA: Okay. When
3 you're put on administrative leave, is your site
4 access revoked?

5 MR. CZUFIN: Yes.

6 SR. SPECIAL AGENT LUINA: Or suspended,
7 I guess?

8 MR. CZUFIN: Yes.

9 SR. SPECIAL AGENT LUINA: Okay. How did
10 you come to that recommendation?

11 MR. CZUFIN: Well, I came to it because
12 I have a manager who has acted in a manner that is
13 against TVA policy. He's been counseled several
14 times and told that his behavior needed to stop.
15 And he continued to do it, and when I read the
16 report and it said that there was evidence of
17 harassment, I concluded that this person needed to
18 be not in their current role.

19 SR. SPECIAL AGENT LUINA: Okay. So how
20 come other action wasn't taken, like let's sit him
21 down and give him discipline today; let's give him
22 two weeks off, let's give him counseling on this or
23 something; I guess how come the decision was to send
24 him home?

25 MR. CZUFIN: Well, I felt it was

1 important to immediately remove him from his
2 position because this individual, one, again was a
3 manager, who is a management employee, and he had
4 had direct feedback given to him that he needed to
5 stop this.

6 SR. SPECIAL AGENT LUINA: Okay, he
7 already had some informal --?

8 MR. CZUFIN: Yes, he had already that.
9 When I read the report and I saw the additional
10 information in there, I felt like this needed to
11 happen immediately.

12 SR. SPECIAL AGENT LUINA: Okay. And you
13 felt like immediately, okay.

14 Okay. So prior to that meeting -- and
15 my understanding is that meeting happened on a
16 Friday -- I don't know if you remember or not.

17 MR. CZUFIN: Probably.

18 SR. SPECIAL AGENT LUINA: I have down
19 May 5th, 2018 or something, Friday down at Sequoyah.

20 MR. CZUFIN: Correct.

21 SR. SPECIAL AGENT LUINA: But prior to
22 that day you had talked with Tony Williams, I guess,
23 and you received some type of draft?

24 MR. CZUFIN: I believe I talked to Tony
25 when I got the draft. I would have to go back and

1 check, but I talked to Tony at some point prior to
2 that. And I don't recall 100 percent, but I believe
3 I called Tony and he recommended that I get with Al,
4 and that's when I drove up there and showed Al the
5 report.

6 SR. SPECIAL AGENT LUINA: Because Al was
7 his direct supervisor?

8 MR. CZUFIN: That's correct.

9 SR. SPECIAL AGENT LUINA: All right.
10 And so what happened after that, I guess, with your
11 involvement?

12 MR. CZUFIN: Well, my involvement after
13 that was I read the report and the report said that
14 the -- the initial report, I'll say the first report
15 said that the inappropriate or part of the basis
16 for, it was either the harassment or retaliation was
17 the fact that Mr. McBrearty had written employee
18 concerns. I did not believe that that was
19 appropriate to take disciplinary action. I didn't
20 know what disciplinary action we would take for this
21 case, but I did not believe that basing it on
22 writing ECP reports was appropriate.

23 SR. SPECIAL AGENT LUINA: Okay.

24 MR. CZUFIN: And I wanted to see the
25 report without the ECP as the basis for the

1 retaliation or harassment.

2 SR. SPECIAL AGENT LUINA: Okay.

3 MR. CZUFIN: And that's why the report
4 was redone.

5 SR. SPECIAL AGENT LUINA: Okay.

6 MR. CZUFIN: I was not in a position --
7 I was struggling with what would be in my mind the
8 appropriate disciplinary action and I was struggling
9 because we were linking it to a protected activity.

10 SR. SPECIAL AGENT LUINA: In the
11 preliminary report in your mind?

12 MR. CZUFIN: That's correct.

13 SR. SPECIAL AGENT LUINA: Okay. So you
14 pushed back on OGC with that information and let the
15 investigator know that?

16 MR. CZUFIN: That's correct.

17 SR. SPECIAL AGENT LUINA: To say, "Hey,
18 is there any other facts or information you can put
19 in this report?"

20 MR. CZUFIN: Yes, and I wanted -- I
21 didn't want the ECP reports to be -- so I would say
22 the basis for the harassment.

23 SR. SPECIAL AGENT LUINA: Okay. What
24 did they say after that?

25 MR. CZUFIN: Initially, I don't they

1 understood, but we've been doing so much at TVA for
2 adverse action, training, and protected activities,
3 and we have a lot that we're doing now. But I think
4 once they finally understood why I was saying that,
5 they agreed to put the investigator back on it.

6 SR. SPECIAL AGENT LUINA: Okay.

7 MR. CZUFIN: But that was the delay from
8 that report to the second report.

9 SR. SPECIAL AGENT LUINA: Yes, because
10 it was all of June, all of July and middle of August
11 the final report comes out.

12 MR. CZUFIN: That's correct.

13 SR. SPECIAL AGENT LUINA: Okay, so that
14 just caused more investigative activity, I guess,
15 for them to go out and do more interviews, more
16 records?

17 MR. CZUFIN: Yes, I don't know
18 specifically what they did, but it did take more
19 time for them to do that.

20 SR. SPECIAL AGENT LUINA: Okay. During
21 that time were you getting updates as well, or you
22 reached out --?

23 MR. CZUFIN: I was, but it was -- my
24 perspective was I wanted it as soon as possible --
25 but I was getting updates.

1 SR. SPECIAL AGENT LUINA: So in that
2 draft report, even though it contained that
3 information, you still felt it was okay to send him
4 home based on the draft report?

5 MR. CZUFIN: I did.

6 SR. SPECIAL AGENT LUINA: Okay. Even
7 though there was no other -- I mean, that's right;
8 he had been informally counseled to your knowledge,
9 and that's why maybe Dennis or --

10 MR. CZUFIN: Greg.

11 SR. SPECIAL AGENT LUINA: Or Greg. Yes,
12 about that. Okay, and then what happened when the
13 final report did come out?

14 MR. CZUFIN: Final report came out --

15 SR. SPECIAL AGENT LUINA: My
16 understanding is August 10th, 2018 it came out.

17 MR. CZUFIN: Okay. We were preparing to
18 convene a -- I think it's called Executive Review
19 Board, which is an ERV -- so if we're going to take
20 an adverse action we have to review, we have to
21 perform a review. We were preparing to do that and
22 we were notified prior to start of that meeting that
23 Mr. McBrearty had resigned.

24 SR. SPECIAL AGENT LUINA: Okay.

25 MR. CZUFIN: I believe that was August

1 10th.

2 SR. SPECIAL AGENT LUINA: Yes, the
3 meeting was August 16th was what I was told.

4 MR. CZUFIN: Okay. Whenever the ERV was
5 to have happened, before we started that meeting we
6 were notified that Mr. McBrearty had resigned.

7 SR. SPECIAL AGENT LUINA: Okay. So did
8 you all have the meeting, did you all discuss that?

9 MR. CZUFIN: I don't believe we had the
10 meeting, I think we stopped it.

11 SR. SPECIAL AGENT LUINA: Okay. Was it
12 a meeting at Watts Bar?

13 MR. CZUFIN: It was at -- yes, it must
14 have been Watts Bar. Yes, it was at a plant; it was
15 either Sequoyah or Watts Bar. I believe it was
16 Watts Bar.

17 SR. SPECIAL AGENT LUINA: A management
18 meeting -- do you remember who was present for that
19 meeting?

20 MR. CZUFIN: I think if I had to tell
21 you, I believe Mike Baldusi was there, I would say
22 Joe Grimes was there, myself, and someone from OGC.
23 It was possibly Sherri Quark, but I may be wrong.

24 SR. SPECIAL AGENT LUINA: All right.
25 You received the final report on the 10th, the

1 meeting was on the 16th. Did you have time to
2 review the report and have an idea what -- what were
3 you thinking, what type of employment action were
4 you going to propose? I'm assuming it was like an
5 alignment meeting and somebody had to make the final
6 decision; who would that have been?

7 MR. CZUFIN: I know that -- I don't know
8 who would have made the final decision.

9 SR. SPECIAL AGENT LUINA: Okay.

10 MR. CZUFIN: I would have had a
11 recommendation. I think in the ERV process it's
12 likely going to be either Tony or the supervisor.

13 SR. SPECIAL AGENT LUINA: Or the
14 supervisor, Al. Okay. What was your recommendation
15 going to be?

16 MR. CZUFIN: I would have terminated
17 him.

18 SR. SPECIAL AGENT LUINA: Based on this
19 one event?

20 MR. CZUFIN: Based on multiple events;
21 the fact that he was a manager, he had violated the
22 code of ethics, he had violated other policies in
23 TVA and he had been personally told to stop the
24 behavior and work professionally, and he chose not
25 to.

1 SR. SPECIAL AGENT LUINA: Mm-hmm. I
2 guess, brought in any other information to the
3 contrary, you were going to propose that as your
4 recommendation?

5 MR. CZUFIN: That would have been my
6 recommendation.

7 SR. SPECIAL AGENT LUINA: Okay, I
8 understand. Like you said, he submitted his
9 resignation prior to that.

10 Okay, let me go through my stuff.

11 Is there anything I haven't asked you
12 about that you feel is relevant to this today?

13 MR. CZUFIN: Not that I can think of.

14 SR. SPECIAL AGENT LUINA: Okay. Let's
15 see -- I got that -- and you said Mr. Dodds, he
16 agreed with your recommendation to send him home
17 when you went down there and talked to him?

18 MR. CZUFIN: Yes.

19 SR. SPECIAL AGENT LUINA: Okay. You
20 laid out all those reasons.

21 Is it uncommon, or is it common to send
22 people home that are under internal investigations?

23 MR. CZUFIN: It is.

24 SR. SPECIAL AGENT LUINA: It's common to
25 do that?

1 MR. CZUFIN: Yes.

2 SR. SPECIAL AGENT LUINA: And your
3 experience out here, you've seen that before?

4 MR. CZUFIN: I have seen it happen
5 before. Especially if it's someone that we need to
6 remove from the location.

7 SR. SPECIAL AGENT LUINA: Okay.

8 MR. CZUFIN: In all the cases that I've
9 seen where we've done it, it's paid leave.

10 SR. SPECIAL AGENT LUINA: Okay. Was
11 there -- I'm trying to think how to word this --
12 hold on -- did you have any reasons based on it
13 being a harassment type of issue, any safety concern
14 reasons that played into your thought process for
15 sending him home or --?

16 MR. CZUFIN: If I have an individual who
17 is a -- in this case a badged nuclear worker who we
18 have provided direct feedback that he needs to do
19 something to change his behavior and he chooses not
20 to, that is concerning to me. My primary purpose
21 for doing this was that the individual had been
22 talked to numerous times and he had chosen not to do
23 that, and we needed to get him out of that role
24 because I had no confidence that he was going to
25 change his behavior.

1 SR. SPECIAL AGENT LUINA: Okay, that's
2 good. All right. Did anybody influence your
3 decision or direct you to make that recommendation
4 or decision on that?

5 MR. CZUFIN: No, they did not.

6 SR. SPECIAL AGENT LUINA: Anybody above
7 you or any of that stuff?

8 MR. CZUFIN: No.

9 SR. SPECIAL AGENT LUINA: Okay, that was
10 you, your own?

11 MR. CZUFIN: Yes.

12 SR. SPECIAL AGENT LUINA: Okay, good.
13 All right, is there anything else?

14 MR. CHANDLER: No.

15 SR. SPECIAL AGENT LUINA: All right. If
16 there's nothing else, I've got some closing
17 questions I need to ask you about, unless you all
18 want to take a sidebar of anything.

19 MR. CHANDLER: We're good.

20 SR. SPECIAL AGENT LUINA: All right. I
21 need to ask you, sir, have I or any representative
22 of the NRC threatened you in any manner today?

23 MR. CZUFIN: You have not.

24 SR. SPECIAL AGENT LUINA: Have you been
25 offered any reward or compensation in return for the

1 information that you have provided during this
2 interview?

3 MR. CZUFIN: I have not.

4 SR. SPECIAL AGENT LUINA: Have you
5 provided the information freely and voluntarily?

6 MR. CZUFIN: Yes.

7 SR. SPECIAL AGENT LUINA: Is there
8 anything else you'd like to add for the record at
9 this time?

10 MR. CZUFIN: No.

11 SR. SPECIAL AGENT LUINA: All right. If
12 there's nothing else -- the time is now 12:53 p.m.
13 on March the 29th, 2019 and this interview is
14 concluded.

15 (Whereupon, the above-entitled matter
16 went off the record at 12:53 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
David Czufin

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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