



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 23, 2021

IA-20-017

Mr. Billy W. Johnson
[Home Address Deleted]
Under 10 CFR 2.390]

SUBJECT: WITHDRAWAL OF VIOLATION B IN NOTICE OF VIOLATION (IA-20-017)

Dear Mr. Johnson:

This refers to the investigation completed on May 17, 2019, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) at Tennessee Valley Authority's (TVA) Watts Bar Nuclear (WBN) Plant. The purpose of the investigation was to determine whether TVA employees deliberately submitted incomplete and inaccurate information to the NRC and whether TVA employees deliberately violated plant procedures. The investigation included the review of your actions as an NRC-licensed senior reactor operator during and after a reactor startup and pressurizer water level excursion event at WBN Unit 1 in November 2015.

On November 6, 2020, the NRC issued you a "Notice of Violation, Nuclear Regulatory Commission Office of Investigations Report No. 2-2016-042" (Notice) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20310A418). The Notice documented three violations (A, B, and C) associated with your activities at the WBN facility in late 2015. Violation B of the Notice stated that you engaged in deliberate misconduct on November 11, 2015, and were in violation of Title 10 of the *Code of Federal Regulations* (CFR) 50.5, "Deliberate Misconduct" which caused TVA to be in violation of TVA Procedure 1-SOI-74.1, "Residual Heat Removal System." This procedure is required to be implemented by 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings."

Upon further review of the facts of your case, the NRC now concludes that although a violation of TVA Procedure 1-SOI-74.1, "Residual Heat Removal System" occurred as stated in the Notice (Violation B), your actions related to that violation did not constitute deliberate misconduct. Accordingly, we are hereby withdrawing Violation B contained in the NRC's Notice to you dated November 6, 2020. Violations A and C of the Notice are unaffected by the withdrawal of Violation B.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001. You may contact Nick Hilton of my staff at ndh@nrc.gov if you have any questions.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Mark Lombard, Director
Office of Enforcement

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION (IA-20-017) DATED: 7/23/2021

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