

April 5, 1999

MEMORANDUM TO: Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

FROM: William J. McNulty, Director  
Office of Investigations Field Office, Region II

SUBJECT: WATTS BAR NUCLEAR PLANT: ALLEGED IMPROPER  
INSTRUCTION OF WATTS BAR ENGINEERS NOT TO WRITE  
PROBLEM EVALUATION REPORTS (NRR-1998-A-0011/  
RII-1998-A-0168)

Attached is the Office of Investigations (OI) Report of Investigation (ROI) concerning the above matter. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized, upon receipt of the ROI, to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his allegations were either substantiated, partially substantiated, or not substantiated and may, if requested, furnish the alleged with a copy of the ROI synopsis after OI approval.

This investigation has been closed by OI. Please ensure that any internal office distribution of this report is controlled and limited only to those with a need to know and that they are aware of the sensitivity of its contents.

Attachment: Report w/exhibits

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L. Reyes, RA:RII

cc w/report: L. Chandler, OGC

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s/f (2-1998-027)

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bcc w/att: D. Lewis, OI:HQ (2 cys of rpt)  
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Title: WATTS BAR NUCLEAR PLANT

ALLEGED IMPROPER INSTRUCTION OF WATTS BAR ENGINEERS NOT TO  
WRITE PROBLEM EVALUATION REPORTS

Licensee:

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

Case No.: 2-1998-027

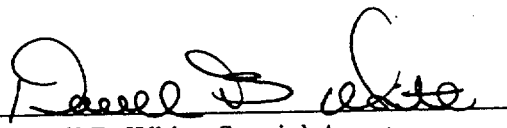
Report Date: March 29, 1999

Control Office: OI:RII

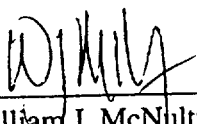
Docket No.: 050-390 -

Status: CLOSED

Reported by:

  
Darrell B. White, Special Agent  
Office of Investigations  
Field Office, Region II

Reviewed and Approved by:

  
William J. McNulty, Director  
Office of Investigations  
Field Office, Region II

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ADVERSE ADMINISTRATIVE ACTION AND/OR CRIMINAL  
PROSECUTION.

## SYNOPSIS

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations initiated this investigation on December 21, 1998. The investigation was based on an allegation received from a former Tennessee Valley Authority employee. The former employee alleged a [REDACTED] 7c [REDACTED] directed employees not write Problem Evaluation Reports (PERs) unless they were related to fuel loading .

The evidence developed in this investigation did not substantiate the allegation that licensee personnel were told not to write PERs unless they were related to fuel loading.

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## DETAILS OF INVESTIGATION

### Applicable Regulation

Allegation: Improper Instruction of Watts Bar Engineers Not To Write Problem Evaluation Reports (PERs)

10 CFR § 50, Appendix B Criteria XVI: Domestic licensing of production and utilization facilities

### Purpose of Investigation

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations (OI) initiated this investigation on December 21, 1998. The investigation was based on an allegation received from Curtis C. OVERALL, former Tennessee Valley Authority (TVA) technical support employee, at the Watts Bar Nuclear Plant. OVERALL alleged that [REDACTED] directed employees not to write (PERs) unless they were related to fuel loading (Exhibit 1). 7C

### Background

During a Department of Labor (DOL) hearing held on December 16, 1997, OVERALL testified he and other technical support employees at Watts Bar attended a meeting on May 11, 1995. According to OVERALL, during the meeting employees were directed to not write PERs unless they related to fuel loading. OVERALL could not be sure who made the comment, but thinks it may have been [REDACTED] (Exhibit 2). 7C

### Interview of Allegee (Exhibit 3)

On February 11, 1999, OVERALL was interviewed concerning his allegation. OVERALL maintained his original allegation made during the DOL hearing. OVERALL advised his notes from the meeting indicate directions were given to the technical support staff to "hold off writing any PERs unless it's absolutely necessary or for affecting the fuel line" (Exhibit 3, p. 9). OVERALL still could not be sure who made the statement. OVERALL stated he did not believe the alleged statement meant PERs were going to be prioritized and fuel loading issues would be handled first (Exhibit 3, p. 11). OVERALL advised he did not discuss the substance of the meeting with others in attendance. OVERALL noted he did not bring the issue forward until after he became involved with his DOL case because the ramifications of the alleged statement did not sink in until later (Exhibit 3, p. 13). OVERALL identified Joe ENGLEHARDT as one person that attended the May 11, 1995, meeting that may be able to provide additional

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information. OVERALL was not aware of a non-fuel loading related PER written after the May meeting.

#### Review of Documentation

A review of OVERALL's DOL hearing disclosed [REDACTED] testified he did not direct nor recalled hearing anyone direct employees not to write PERs for any reason (Exhibit 4). In addition, Vernon P. LAW, Technical Support, testified as a witness for OVERALL during the hearing. LAW testified he did not recall receiving directions not to write PERs during the May 1995 meeting (Exhibit 5). 7C

On January 14, 1999, Paul L. PACE, Licensing and Industrial Affairs Manager, provided information regarding PERs received at Watts Bar between May and December 1995. A review of the PERs revealed 16 were received and they were not broken down as fuel and non-fuel loading issues (Exhibit 6). PACE reported, given the date of when the PER was addressed, one could draw an inference as to fuel loading and non-fuel loading issues. PACE explained fuel load issues would have been handled before the date of fuel load, November 9, 1995. Therefore, it appears three PERs were received dealing with non-fuel related issues

#### Witness Interviews

The following individuals were interviewed regarding OVERALL's allegation that technical support employees at Watts Bar were told not to write PERs unless directly related to fuel loading.

#### Interview of [REDACTED] (Exhibit 7)

On January 14, 1999, [REDACTED] was interviewed concerning OVERALL's allegation. [REDACTED] at the Watts Bar Nuclear Plant during May 1995. [REDACTED] reported he was never told by management not to write PERs unless fuel loading related and he never directed his subordinates to write only fuel load related PERs. [REDACTED] stated employees were being encouraged to write PERs so problems weren't identified at the last minute causing further delays in fuel loading (Exhibit 7, p. 8). [REDACTED] explained PERs were being prioritized based on the severity of the issue. [REDACTED] reported having numerous meetings with his staff during the spring of 1995, but did not recall the May 11, 1995, meeting specifically. 7C

#### Interview of Vernon P. LAW (Exhibit 8)

On January 14, 1999, LAW was interviewed concerning OVERALL's allegation. LAW reported he had testified concerning the allegation during OVERALL's 1997 DOL hearing. LAW stated

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he recalled the May 11, 1995, technical support meeting. According to LAW, the meeting was called by Landy McCORMICK, but [REDACTED] was also present. LAW reported [REDACTED] directed the employees to make sure the items they were working pertained first to fuel loading, as the time for fuel loading was near. However, LAW noted he did not recall any statement made directing employees not to identify any other problems through PERs. LAW explained he understood the instructions to mean fuel loading problems needed to be taken care of first. Subsequently, the other issues would be taken care of after fuel was loaded (Exhibit 8, pp. 6-7). LAW advised he never understood [REDACTED] statement to mean limit PERs to fuel loading issues only. 7C

#### Interview of Watts Bar Employees (Exhibit 9)

On January 14 and 15, 1999, 15 additional TVA employees at Watts Bar Nuclear Plant were interviewed concerning OVERALL's allegation (Exhibit 9). None of the interviewees recalled receiving direction not to write a PER for any reason. Two of the employees recalled writing a non-fuel load related PER after May 1995. The employees noted they would have recalled an order not to write a PER for any reason and would have objected.

#### Agent's Analysis

Interviews conducted with 15 of OVERALL's former co-workers and 2 former managers failed to substantiate OVERALL's allegation. In fact, LAW, a witness for OVERALL in his DOL hearing, did not substantiate OVERALL's allegation. ENGLEHARDT, the one person OVERALL suggested be interviewed, did not recall receiving instruction to limit PERs to fuel loading issues. Several of the interviewees advised if they had been told to limit PERs they would have complained. A review of the employee concerns after May 1995 revealed no one submitted a concern objecting to the alleged statement. Two interviewees recalled writing non-fuel load related PERs without reprisal after the alleged statement was made.

#### Coordination with the Regional Counsel

On March 15, 1999, OI conferred with Regional Counsel Carolyn F. EVANS regarding the results of investigative efforts regarding OVERALL's allegation. EVANS [REDACTED] 5

#### Conclusion

The evidence developed did not substantiate the allegation that licensee personnel were told not to write PERs unless related to fuel loading.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated December 21, 1998.
2	DOL Transcript Excerpt, dated December 16, 1997.
3	Transcript of Interview of Alleger, dated February 11, 1999.
4	DOL Transcript Excerpt, dated December 18, 1997.
5	DOL Transcript Excerpt, dated December 17, 1997.
6	Watts Bar PERs Report, dated January 14, 1999.
7	Transcript of Interview with [REDACTED] dated January 14, 1999. 7C
8	Transcript of Interview with LAW, dated January 14, 1999.
9	Report of Interview of TVA Employees, dated January 14 and 15, 1999.

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