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Federal regulators say TVA willfully violated safety standards in firing nuclear engineers

TVA disputes NRC findings, claims employee concerns program improving

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by [Dave Flessner](#)

This story was updated at 3:42 p.m. on Tuesday, March 3, 2020, with more information.

The Tennessee Valley Authority improperly fired two nuclear engineers after they raised concerns about safety and management in TVA's nuclear power program, according to federal regulators.

In a letter to TVA made public Tuesday, the head of regulatory enforcement at the U.S. Nuclear Regulatory Commission said TVA violated whistleblower protections for nuclear workers by disciplining and then dismissing the nuclear engineers who worked on programs at the Sequoyah and Watts Bar nuclear power plants. George A. Wilson, director the NRC's Office of Enforcement, said "the actions taken against (by TVA) these former employees were in apparent violations (of NRC safety standards) and the apparent violations were willful" and "are being considered for escalated enforcement action," which could include a civil penalty against TVA.

The NRC did not identify the affected employees. But they are similar to concerns reviewed in an earlier U.S. Department of Labor finding that ordered TVA to rehire a nuclear engineer after she raised safety concerns and questioned the performance of her boss in TVA's corporate nuclear program.

[\(READ MORE: OSHA orders TVA to rehire nuclear worker fired after raising safety concerns\)](#)

Despite objections by TVA, the NRC said the engineers working on programs at the Sequoyah and Watts Bar nuclear plants were first subject to a harassment investigation, then placed on paid administrative leave and ultimately were discharged after raising concerns about safety problems and corporate nuclear licensing activities from 2015 to 2018.

NRC has yet to issue a notice of violation, but a civil penalty for the violations could be forthcoming.

TVA Chief Nuclear officer Timothy Rausch said TVA fully investigated the events in the past "with no findings or actions against the leaders they call out in the apparent violation" and Rausch said TVA "amicably resolved" the labor disagreements in the separate Department of Labor investigation of the disputes.

"This is a preliminary NRC finding and we are evaluating our options as we are being informed of this late breaking issue," Rausch said. "TVA has not come to the same conclusions as the NRC and at this point we are in disagreement with the NRC's findings."



Contributed photo by TVA / TVA Nuclear Chief Timothy Rausch

TVA has the option to appeal the finding by either asking for a face-to-face meeting to discuss the apparent violations within 30 days or pursuing written communications toward a mediated agreement within 45 days.

The NRC finding comes after the [U.S. Department of Labor ordered TVA earlier this year to reinstate nuclear engineer Beth Wetzel](#) after she was fired for raising safety concerns and complaining about her boss. The Labor Department ordered TVA to give Beth Wetzel her job back and pay more than \$200,000 in back pay, lost bonuses and benefits, compensatory damages and legal fees, according Department of Labor records obtained by the Knoxville News Sentinel.

TVA spokesman Jim Hopson said the disputes in the DOL investigation were resolved, but he said under the agreement details of the settlement are not publicly disclosed.

[\(READ MORE: Union blasts TVA for outsourcing IT work, laying off Chattanooga employees\)](#)

TVA said it fired Wetzel for badmouthing her supervisor, Erin Henderson. But the Labor Department ruled Wetzel properly raised safety concerns about the nuclear program and – when asked by a TVA attorney – gave her "honest" opinion Henderson was too inexperienced for her post and ignored safety complaints.

"(TVA's) claim it terminated (Wetzel) because she attempted to attack Henderson's credibility is demonstrably false," the Labor Department order stated. "Rather, (TVA) terminated (Wetzel) because of the information she provided during (a) chilled work environment investigation, which happened to include her opinions about Henderson."

Wetzel filed a series of nuclear safety complaints with Henderson and the NRC, including violations of worker fatigue rules, as part of her job, according to the Labor Department.

"(TVA) acknowledges that (Wetzel) was vocal about these issues but advised that the issues had been or were being adequately addressed prior to (Wetzel) raising her concerns," the Labor Department ruled. "Additionally, multiple employees confirmed that upon Henderson's arrival the work environment became tense and there was confusion as to Henderson's expectations."

The NRC is continuing to inspect and evaluate the safety conscious work environment at all three of TVA's nuclear sites after the regulatory agency found in 2016 that [TVA had a "chilling" environment for worker concerns](#) at its Watts Bar Nuclear Plant near Spring City, Tennessee.

NRC cited TVA for the ongoing problem and confirmed the chilled work environment at TVA again in 2017. In 2018, TVA's Inspector General also found that TVA was not adequately addressing nuclear safety concerns voiced by its workers.

NRC inspections at TVA and TVA's internal evaluations and employee surveys have indicated progress in TVA's whistleblower and employee safety concerns programs, but NRC spokesman Joey Ledford said TVA remains under heightened oversight by the NRC.

Rausch, who has headed TVA's nuclear power program since October 2018, said the employee concerns program "has remained a focused area for us" and he has worked to address leadership, processes and culture to encourage workers to raise their concerns and to address and correct deficiencies. The complaints raised by the NRC primarily stem from concerns raised years ago by the two engineers.

"TVA remains committed to a healthy and sustained nuclear safety culture and a safety conscious environment where every employee remains free to raise potential safety concerns and we work on that every day," Rausch said. "Our indications through recent independent evaluations are that our safety culture has improved at all three stations (Sequoyah, Watts Bar and Browns Ferry) and in our corporate office."

The Associated Press contributed to this report.

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