

Nuclear Regulatory Commission bans TVA executive over whistleblower retaliation

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The nation's nuclear power watchdog says a Tennessee Valley Authority executive's retaliation against a safety whistleblower was so egregious he is banned from the industry for five years.

TVA Vice President Joseph Shea is barred from working for five years in any activities that require licensing by the U.S. Nuclear Regulatory Commission, the agency said in a news release. The agency said the penalty is warranted to protect the public.

Shea, the regulatory agency concluded, "played a significant role" in the 2018 firing of nuclear engineer Beth Wetzel after she repeatedly raised safety concerns about TVA's nuclear power program.

The U.S. Department of Labor last year ruled TVA executives, including its corporate attorney, cooked up a fake reason to fire Wetzel after she criticized one of her bosses. TVA later brokered a secret settlement with her.

TVA spokesman Jim Hopson said the nation's largest public power utility disagrees with the Nuclear Regulatory Commission's decision and conclusions about Shea but hasn't decided whether to appeal.

"We take this issue very seriously and respect the NRC's decision," Hopson said in a statement. "TVA previously investigated these events, which occurred several years ago, and did not reach the same conclusion as the NRC. We are continuing to evaluate the NRC's notice and are evaluating our next steps."



<https://www.knoxnews.com/story/news/crime/2020/08/31/nuclear-regulatory-commission-bans-tva-executive-joseph-shea-over-whistleblower-retaliation/3442778001/>

Shea remains an executive at TVA but is no longer serving as vice president over nuclear regulatory affairs, the post he held when Wetzel was fired.

The Nuclear Regulatory Commission concluded Shea's actions were intentional and the consequences for nuclear safety far-reaching.

The regulatory agency also is proposing to fine TVA slightly more than \$300,000 in the Wetzel case and is considering sanctions against TVA executive Erin Henderson, who is accused of retaliating against Wetzel and soliciting Shea's aid in getting her fired.

Attorney Alan Kabat, who represents Wetzel and a second TVA employee whom the NRC also ruled suffered retaliation for making safety complaints, praised the decision.

"We are pleased to see that the NRC vindicated the reports of our two clients," Kabat said.

Billie Garde, who has filed complaints on behalf of a group of TVA nuclear safety oversight managers ousted from their jobs earlier this year, said Shea's five-year ban was a "sad end to a long career in nuclear power" but a just decision.

"The finding of retaliation by Shea and another TVA senior director was significant," Garde said. "It should be heeded as a message to the power plant management team.

"Retaliation is against the law," she said. "It is against the law because retaliation against employees who raise concerns causes a chilling effect, which undermines safety."

More fines, complaints pending

The Nuclear Regulatory Commission also has ruled TVA discriminated against a safety whistleblower at its Sequoyah nuclear power plant in Soddy-Daisy, Tennessee, in May 2018.

In that case, the agency ruled, TVA suspended the Sequoyah employee — who is not identified in the agency's orders — after the employee filed safety complaints about the nuclear program there. TVA operates three nuclear power plants: Sequoyah; Browns Ferry in Athens, Alabama; and Watts Bar in Spring City, Tennessee.

"TVA discriminated against a former Sequoyah employee for engaging in a protected activity," the agency order says.

The employee at the heart of that case resigned from TVA in August 2018 after months on leave, according to the order.

Former TVA nuclear oversight managers Melody Babb, Deanna Fultz and Mark Richerson also have filed complaints with the Labor Department and Nuclear Regulatory Commission.

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Prior coverage: [Nuclear safety oversight workers accuse TVA bosses of silencing whistleblowers](#)

They say TVA ousted them from their jobs in early 2019, disbanded an independent whistleblowing program known as the Employee Concerns Program, and publicly humiliated them to intimidate and silence whistleblowers.

TVA said in both internal and public announcements the independent whistleblowing program was ineffective and was being scrapped in favor of a new one in which whistleblowers take their safety complaints to their bosses.



Under the old program, employees could go to independent nuclear safety oversight managers with concerns about nuclear and radiological safety violations, and oversight managers would maintain the employees' anonymity and launch their own investigation.

Under the new program, TVA's new nuclear safety oversight managers will "ask the employee if they wish to remain anonymous or not" and then report the employees' safety concerns to their bosses rather than independently investigate, according to TVA's own presentation of the program to Sequoyah plant workers and previous statements issued by the utility.

TVA: New nuclear boss makes changes

TVA Chief Executive Jeff Lyash told Knox News on Thursday the utility's current chief nuclear officer, Timothy Rausch, is taking steps to improve the working environment for TVA's nuclear power workers.

Rausch, former senior vice president and chief nuclear officer for Talen Energy's Susquehanna nuclear plant, was tapped to serve as TVA's new chief nuclear officer in October 2018.

He replaced Mike Balduzzi, who had announced plans to retire. Rausch was in command when the nuclear Employee Concerns Program was scrapped and replaced.

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“We’ve gotten a lot of positive feedback on that,” Lyash said Thursday. “We don’t see things the way (the NRC) sees it. There’s still an ongoing process here.”

TVA spokesman Hopson said both Shea and Henderson remain on the TVA payroll.

“As noted by the NRC, the cited individuals remain current TVA employees,” Hopson said in a statement. “As you may know, we remain in the early stages of the NRC process. Like TVA, the cited individuals have rights to pursue additional actions within the process and are likely evaluating their own next steps, as are we.

“We remain committed to a healthy and sustainable nuclear safety culture and safety conscious work environment,” he said. “We work on it every day and in recent years have taken multiple actions to strengthen our nuclear safety culture.”

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