

**From:** JShealA-Hearing Resource  
**Sent:** Thursday, February 11, 2021 10:46 PM  
**To:** JShealA-HearingNPEm Resource  
**Subject:** FW: ROI Pages 31-59 2-2019-015  
**Attachments:** Pages from 2-2019-015 ROI Final pages 31-59.pdf

---

**From:** Luina, Scott <Scott.Luina@nrc.gov>  
**Sent:** Thursday, November 05, 2020 2:24 PM  
**To:** JShealA-Hearing Resource <JShealA-Hearing.Resource@nrc.gov>  
**Subject:** ROI Pages 31-59

Scott K. Luiña, Senior Special Agent  
Office of Investigations, Region II  
U. S. Nuclear Regulatory Commission  
245 Peachtree Center Avenue, NE Suite 1200  
Atlanta, Georgia 30303-1257

Desk: 404- 997-4874  
Cell: 404-357-2442  
Office: 404-997-4878  
Fax: 404-997-4908

**Hearing Identifier:** JShea\_IA\_NonPublic  
**Email Number:** 849

**Mail Envelope Properties** (679c329328804c99be91273993c7c23d)

**Subject:** FW: ROI Pages 31-59 2-2019-015  
**Sent Date:** 2/11/2021 10:45:51 PM  
**Received Date:** 2/11/2021 10:46:09 PM  
**From:** JShealA-Hearing Resource

**Created By:** JShealA-Hearing.Resource@nrc.gov

**Recipients:**  
"JShealA-HearingNPEM Resource" <JShealA-HearingNPEM.Resource@nrc.gov>  
Tracking Status: None

**Post Office:** HQPWMSMRS02.nrc.gov

Files	Size	Date & Time
MESSAGE	504	2/11/2021 10:46:09 PM
Pages from 2-2019-015 ROI Final pages 31-59.pdf		21169560

**Options**  
**Priority:** Normal  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

POLAND was present when WETZEL was presented the no-fault separation agreement in October 2018 and then in November 2018 when she signed the agreement. After she rescinded the no-fault in December 2018, POLAND went back to the ERB meeting to make sure that the ERB still supported termination which it did (Exhibit 25, p. 3, pp. 5-15).

On November 14, 2019, OI:RII conducted an additional interview of POLAND to obtain information related to HR's role in providing examples to the ERB of similarly situated employees. POLAND verified to OI that she was not present for the ERB on September 19, 2018. Prior to the actual ERB, at the request of SHEA, POLAND reviewed similar TVA code of conduct violations or violations of law for all of TVA to determine the appropriate employment action for WETZEL's case. POLAND reviewed her HR database and determined "variations of violations, you know, depending on what the code of conduct violation was. It could be, you know, anywhere from a suspension to termination or a no-fault separation agreement." POLAND looked for violations of the TVA code of conduct referenced in the ERB package as a comparable and not HIRD matters. Typically, POLAND would review a three-year history but was not certain what she reviewed for WETZEL. POLAND could not recall any of the specific examples or the number of examples she reviewed for the WETZEL ERB during her OI interview. POLAND related that "it depends" on different circumstances if she decides to provide specific examples to the ERB or just a blanket statement like what was in WETZEL's ERB. For example, a confidential matter will not be provided to the ERB. There have been other ERBs where HR provided this kind of a statement and no specific examples (Exhibit 26, p. 3, p. 9, pp. 14-19).

According to POLAND, TVA HR does conduct HIRD investigations. The TVA HR follows an investigation template (Exhibit 6, p. 4) but do not have a specific policy or regulation they follow. The HR generalists receive training on conducting HIRD and other investigations which is typically led by a TVA OGC Attorney (Exhibit 26, pp. 20-22). When asked about WETZEL reporting a concern of HIRD as documented in the ERB, POLAND related to OI that she was aware of discussions and SHEA had requested some coaching on how to handle the email from WETZEL in May 2018, related to WETZEL claims of having a fear of submitting her travel vouchers to HENDERSON. POLAND was aware that SHEA asked for more information from WETZEL, but POLANDS took no further action on this issue (Exhibit 26, pp. 26-27).

POLAND explained that when complaints such as those related to HIRD come into her office they are typically handled by herself or an HR generalist. POLAND stated that any issue an employee comes with to HR is going to be investigated (Exhibit 26, pp. 28-29, p. 31).

Interview of Arcie P. REEVES (Exhibit 27)

On November 14, 2019, OI:RII conducted an interview of REEVES who was an HR generalist with TVA for nuclear in 2018. REEVES related she had experience attending about three or four ERBs a week. REEVES has received and has provided training to others on the ERB process.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

REEVES had conducted HR investigations to include HIRD investigations and received training from TVA OGC. According to REEVES, typically most of the allegations or concerns they receive in HR are going to be investigated (Exhibit 27, p. 3, pp. 9-18).

REEVES participated in the WETZEL ERB on September 19, 2018. REEVES stated that her role prior to the actual ERB was to determine if the proposed adverse action was "on par" with what had been done in the past for similar violations. When reviewing the proposed action for WETZEL, REEVES determined that it was consistent with past practices. During the OI interview, REEVES could not recall specific examples or the number of examples. According to REEVES, she looked at previous violations of HIRD and would typically review a one-year period through all of TVA. REEVES stated to OI that she had "never" provided specific examples for the ERB documents. REEVES stated that the review was done only by REEVES and she was fine with the statement by SHEA in the ERB package related to her review (Exhibit 27, pp. 19-25).

REEVES testified to OI that she reviewed all the ERB documents to include the TVA OGC report and supplemental and had no concerns with any of the information or proposed action. REEVES thought the report was "very thorough" and the results were "quite damaging" and had no questions about how to proceed with the action. REEVES does not recall why the ERB package was not signed by her until October 19, 2018, a month after the ERB. REEVES has never signed an ERB package on the day of the ERB but does not know why the delay was one month for the WETZEL ERB (Exhibit 27, pp. 25-27).

REEVES does not recall any ERB members having any issues with the proposed action during the ERB on September 19, 2018. REEVES recalled there was some discussion about having an external agency conduct the pulsing surveys or interviews and not TVA's ECP as was typically done in the past (Exhibit 27, pp. 29-31).

Interview of Stephen M. BONO (Exhibit 28)

On June 11, 2019, OI:RII conducted an interview of BONO who has been the VP of Nuclear Operations since February 2018. BONO related that he had limited interaction with WETZEL when he worked at Browns Ferry but when he did WETZEL was professional and seemed competent in her position. BONO was not aware of any issues or safety concerns raised by WETZEL. BONO is aware of the ADDDGV issue at Browns Ferry but not aware of any concerns WETZEL had or CRs she had written. In May 2018, BONO became aware of a "work environment" issue which involved MCBREARTY, WETZEL and HENDERSON when he was provided the draft TVA OGC report. WETZEL was not immediately placed on administrative leave like MCBREARTY because the TVA OGC report did not conclude on WETZEL's actions as it had on MCBREARTY. BONO was the chair for the ERB for WETZEL and signed the ERB forms. BONO recalled that the facts presented at the ERB were that WETZEL had some performance issues and "some separate [OGC] investigation" that confirmed the harassing behavior and TVA policy violations. BONO recalled a "healthy dialogue" during the ERB and at the end all ERB members agreed with the path forward (Exhibit 28, pp. 3-19).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

### Interview of Joselito O. CALLE (Exhibit 29)

On November 14, 2019, OI:RII conducted an interview CALLE who has been the Director of Organizational Effectiveness at TVA since February 2018. CALLE related he worked for the NRC for five years and then moved to the TVA in December 2012. CALLE reports directly to CZUFIN and reports to the CNO on ECP matters. The ECP reports to CALLE and CALLE is the Chairman for the Nuclear Safety Culture Monitoring Panel (NSCMP) for TVA. CALLE had limited interaction with WETZEL. CALLE's main interaction with CNL was through HENDERSON and dealt primarily with Nuclear Safety Culture issues and inspections related to SCWE (Exhibit 29, p. 3, pp. 8-12).

CALLE's role during an ERB, like at the one for WETZEL, was to coordinate the conduct of the ERB. CALLE was the first person a manager (such as SHEA) would contact seeking a matter that required an ERB. CALLE related to OI it was "not typical, but it's not unheard of" to have a delay from when the ERB occurred to signing the ERB documents, as was done in WETZEL's ERB. CALLE explained to OI that this delay was because it took time to implement the comments from the ERB and then to obtain all the ERB members' signatures. CALLE explained the complexity of the issue, such as with WETZEL's matter, would lead to a delay like this. Also, there was no "urgency" with getting WETZEL's ERB documents signed because no action would be taken against WETZEL until the ERB documents were signed. CALLE does not recall all the comments that were added but related the ERB document OI had obtained was the final version of the ERB. The proposed adverse action was to offer WETZEL a no-fault separation and if that failed then to terminate WETZEL which, according to CALLE, was a common practice in ERBs he has witnessed (Exhibit 29, pp. 14-15, p. 19). CALLE explained that the four voting members for the ERB were the ERB Chairman (BONO), the NSCMP Chairman (CALLE), OGC representative (Ryan DREKE), and HR (REEVES). ECP was present but was not a voting member. The vote was unanimous for the WETZEL ERB with no dissenting opinions as documented in the ERB package. According to CALLE, there has not been a dissenting opinion in any of the ERBs that CALLE had witnessed (Exhibit 29, pp. 21-22, p. 29).

In the WETZEL ERB, SHEA presented all the facts and the proposed adverse action. Once the ERB reached question thirteen the manager (SHEA), as required by procedure, leaves the room and CALLE led the remainder of the process in the Protected Activity Summary section and completed that section of the ERB package (Exhibit 16, pp. 8-13). CALLE does not recall if anyone had strong reservations during the initial ERB related to the Adverse Action or the Protected Activity (Exhibit 29, p. 24, pp. 30-31).

CALLE was asked about the answer to question fifteen in the ERB package and the comment about WETZEL being involved in the OGC investigation. CALLE explained to OI that it was "germane because the OGC investigation was a key document that we reviewed as part of this" ERB and "felt that it was prudent to put that there" even though "we did not believe that this had anything to do" or any "bearing on this disciplinary action and this adverse employment action that was being proposed." CALLE stated to OI that WETZEL's involvement in the OGC investigation was a protected activity (Exhibit 29, pp. 31-33).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

CALLE has not seen many ERBs that involved an OGC investigation and stated that most of the HIRD issues are handled by HR. In CALLE's own opinion based upon a review of the ERB package the disciplinary action was warranted for WETZEL and was not connected to her participation in a protected activity (Exhibit 29, pp. 34-35, pp. 37-38).

### Interview of Joseph W. SHEA (Exhibit 30)

On June 12, 2019, OI:RII conducted an interview of SHEA who has been TVA's VP of Regulatory Affairs and Support Services since June 2012 and reports directly to CZUFIN. HENDERSON is one of SHEA's direct reports and WETZEL worked directly for SHEA for a period while at CNL. SHEA described WETZEL as a "generally solid" employee and "presented a professional demeanor." In 2015, SHEA recalled WETZEL had contacted him and expressed her concerns with the hiring of HENDERSON into a Senior Manager role in the CNL organization because HENDERSON lacked experience (Exhibit 30, pp. 7-10, pp. 12-15).

SHEA related the ADDDGV issue at Browns Ferry was "squarely" within WETZEL's workgroup and responsibility. According to SHEA, the rigorous and comprehensive NRC response was expected from WETZEL's group. SHEA related to OI that the product brought for review had some "very significant quality gaps" and was going to serve TVA "very poorly" if it had been submitted to the NRC as it was presented to HENDERSON. SHEA and HENDERSON had "significant concerns with the quality of that product." SHEA related WETZEL should not have presented a product with such "notable defects." SHEA does not recall WETZEL raising a concern about the ADDDGV issue. In fact, according to SHEA, it was SHEA and HENDERSON that identified gaps in the product presented by WETZEL. In February or March 2018, SHEA recalled WETZEL asked to go to NEI and SHEA supported the idea (Exhibit 30, pp. 19-25).

At some point, after HENDERSON was hired and became the supervisor of WETZEL, she (WETZEL) started to have concerns with HENDERSON. SHEA was not sure when or what triggered the problems with the relationship. WETZEL spoke with SHEA because it was common practice and "what we would advertise – bring an issue like that to – your boss's boss." The concerns were described by SHEA as "generalized" and not specific. For instance, WETZEL mentioned things were "tense" with HENDERSON and that WETZEL was "not happy" (Exhibit 30, pp. 16-19).

On October 16, 2018, SHEA completed and signed the proposed Adverse Action Review Form and the fact-finding notes but the ERB was conducted in September 2018. During the TVA OGC investigation, SHEA forwarded additional information (Exhibit 11) to the investigators and they created a supplemental to the report related to WETZEL dated August 30, 2018 (Exhibit 14). The allegation was WETZEL had been "slow and incomplete" in completing travel claims while at NEI. SHEA's administrative assistant reported to SHEA that WETZEL's claims were either "untimely or incomplete" and she was having to dialogue with WETZEL to get them completed. SHEA related that WETZEL had expressed on "several occasions" to SHEA that she was concerned that HENDERSON was going to somehow use WETZEL's travel claims to "undermine" or "undercut" WETZEL. WETZEL had mentioned to SHEA on "several occasions" that HENDERSON had a "pattern" of "having people investigated, having gate logs pulled."

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

SHEA knew this accusation by WETZEL was not true, so it bothered him that WETZEL would make these accusations. Therefore, SHEA "asked the investigators [TVA OGC] to look at those issues [WETZEL's false accusations against HENDERSON] as well." According to SHEA, the OGC investigation concluded there was "repeated un-based assertions of unethical behavior" towards HENDERSON by WETZEL which was in violation of TVA's ethics policy and whistleblower protection. WETZEL raised these assertions to SHEA by texts and emails (Exhibit 30, pp. 27-30).

On May 6, 2018, WETZEL emailed SHEA and HENDERSON to thank them for the NEI loan memo (Exhibit 11). SHEA explained that he understood that WETZEL was concerned about following the travel rules and her obligations before she left and while at NEI. According to SHEA, HENDERSON had helped facilitate some of WETZEL's questions. There was an effort to document this issue in detail but when WETZEL received the final memo it lacked that detail (Exhibit 30, pp. 32-35).

Then on May 7, 2018, WETZEL emailed SHEA directly and expressed that she might get audited for the travel vouchers which was not an unreasonable concern, according to SHEA, considering the amount of travel she would be doing. In the email WETZEL made assertions about HENDERSON. SHEA stated to OI that he did not agree with these assertions by WETZEL because he knew at this point the OGC investigation from HENDERSON's allegation was ongoing. On May 14, 2018, SHEA responded to WETZEL with an explanation of using the Federal Travel Regulations (FTR) and SHEA told WETZEL he provided her concerns about HENDERSON to an "independent party" which was the ongoing TVA OGC investigation. SHEA was asked specifically by OI why he did not provide this information to ECP. SHEA explained that there are multiple avenues for employees to report concerns to include to a supervisor. Then SHEA stated to OI that "the obligation of me as the manager is to have it adequately and thoroughly investigated" and "it is not an obligation on me to have it investigated in any particular form or fashion by any particular party." SHEA stated he provided this to TVA OGC because in his mind WETZEL's complaints about HENDERSON were similar to the "patterns of behavior" that HENDERSON was asserting were happening to her in her original complaint. It seemed "completely reasonable" to SHEA to provide it to the TVA OGC as "another fact set" to use for the "ultimate conclusions." SHEA was questioned by OI that the accusation by WETZEL was a new concern related to HENDERSON. SHEA stated he did not see it that way and since he had been interviewed by OGC and was aware they were exploring similar assertions he figured they were the best to receive this information. SHEA claimed the accusations by WETZEL were distortions of what SHEA knew to be true (Exhibit 30, pp. 35-38, pp. 59-62).

On July 2, 2018, SHEA stated he gave WETZEL an opportunity to "amplify" these allegations, on a phone call but she stated she did not have anything further to say. SHEA recalled the phone call with WETZEL as documented in the ERB package and as alleged by WETZEL to OI. SHEA confirmed that his administrative assistant was on the call as well. SHEA offered WETZEL, an opportunity to elaborate on her concerns about HENDERSON and WETZEL did not. SHEA did not think the Administrative Assistant's presence should have influenced WETZEL at all. SHEA related it struck him as "problematic" that WETZEL was making these "assertions" about HENDERSON "without providing detail" so SHEA "had asked the investigators [TVA OGC] to look at those issues as well" (Exhibit 30, p. 30, pp. 44-46).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

In August 2018, after SHEA obtained the TVA OGC report and the supplemental report (Exhibit 14) he began the ERB process. According to SHEA, the ERB process led him to the recommendation for termination which he presented to the ERB members. SHEA recalled there was little challenge or discussion on the facts or proposed action portions of the ERB but more on the SCWE mitigation plan (Exhibit 30, pp. 40-43, pp. 47-50).

SHEA was asked about the addendum or supplemental OGC report dated August 30, 2018 (Exhibit 14) and stated that it had "more specific conclusions with regard to WETZEL." SHEA explained it contained a legal analysis of WETZEL's activities which violated existing TVA policies but contained no new facts from those documented in the TVA OGC report, dated August 10, 2018 (Exhibit 30, pp. 46-47).

SHEA and POLAND met with WETZEL to provide the proposed action of voluntary separation. SHEA stated that he and POLAND encouraged WETZEL not to sign the document and to take her seven days to review. Then when they met with her a second time WETZEL requested to remain employed with TVA until her effective retirement date to coincide with her termination date. After these changes were made, WETZEL signed the letter on December 5, 2018, which she later rescinded. It was already determined in the previous ERB that if a no-fault separation agreement was not met then WETZEL would be terminated. On January 14, 2019, WETZEL was terminated from employment with TVA (Exhibit 30, pp. 50-55).

According to SHEA, the reference by WETZEL of HENDERSON using HR and "pulling gate records" was about the previous MCBREARTY and CONNER HR investigation initiated by HENDERSON in 2016 (Exhibit 30, pp. 56-57).

SHEA related to OI that the discussions on phone calls with WETZEL where she mentioned that HENDERSON was slowing down the NEI contract process, the May 7, 2018 email and the July 2018 phone call with WETZEL were not the only examples of when WETZEL raised false accusations about HENDERSON. However, during the OI interview, SHEA could not recall other specific examples. WETZEL never specifically stated to SHEA that she was aware that HENDERSON raised a concern to HR about the MCBREARTY and CONNER relationship in 2016 (Exhibit 30, pp. 58-62).

### Interview of Erin K. HENDERSON (Exhibit 31)

On June 12, 2019, OI:RII conducted an interview of HENDERSON who was currently the Director of Plant Support at Sequoyah. In 2015, HENDERSON became the Senior Manager in CNL and then the role was upgraded to Director. HENDERSON reported directly to SHEA and recently (2019) took her current role at Sequoyah. WETZEL was a direct report to HENDERSON. According to HENDERSON, the ADDDGV issue was an issue that all TVA sites had to respond to and CNL was "struggling" to get input from Browns Ferry for the response (Exhibit 31, p. 3, p. 5, pp. 9-10).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

HENDERSON was asked specifically if she recalled CR 1372502 submitted by WETZEL on December 29, 2017. HENDERSON replied that she recalled the issue but not the specific CR. HENDERSON was not certain but believed that she may have directed WETZEL to write this CR to capture the lessons learned from the ADDDGV submittal. HENDERSON viewed the TVA letter to the NRC as a gap in WETZEL's performance. HENDERSON was aware of "a lot of back and forth with the site" related to the letter. HENDERSON related the letter came to her for review right around Christmas (2017). WETZEL and Russell THOMPSON were responsible for the letter but had provided it to Chris RIEDL to get it through HENDERSON's review and signature before the end of 2017. HENDERSON questioned some of the "technical content" and that a commitment to the NRC should be made in the letter. When HENDERSON raised these issues to RIEDL he had the same concerns. RIEDL also stated to HENDERSON that THOMPSON had similar concerns and that they each had raised these to WETZEL. Therefore, HENDERSON questioned WETZEL and her team why an issue that was an "unresolved question" was in the submittal and provided to HENDERSON for review (Exhibit 31, pp. 6-9).

HENDERSON related prior to her being provided the draft letter in Christmas (2017), WETZEL had pointed out that the engineering analysis that was done in the letter was not addressing the specific issue with the ADDDGV. HENDERSON provided emails from November and December 2017, between WETZEL, HENDERSON and others about these issues. According to HENDERSON, these emails demonstrated HENDERSON was aware of the issues with Browns Ferry's ADDDGV submittal and was asking WETZEL to resolve the issues. Therefore, when HENDERSON received the letter she assumed the issues were resolved (Exhibit 9 and Exhibit 31, pp. 9-13).

In March 2018, prior to submitting her complaint, HENDERSON had received feedback from others that WETZEL was "interfacing" with MCBREARTY more frequently than necessary. Also, HENDERSON noticed that WETZEL and CONNER seemed to have a "very close-knit relationship." HENDERSON explained an incident when she spoke with WETZEL about how she (HENDERSON) was going to an industry meeting. Then later she was shown an email by SHEA in which WETZEL recommended MCBREARTY go to the same meeting. HENDERSON explained that in the ECP complaint (17-00410) when MCBREARTY became aware of what HENDERSON stated in the meeting to her direct reports, HENDERSON believed that WETZEL was "dishonest" in her ECP interview. HENDERSON stated that HAGINS-DYER told HENDERSON that one of her direct reports (presumably WETZEL) stopped her in the meeting and told her this was inappropriate discussion to have. However, HENDERSON stated this never happened and HAGINS-DYER told her that she was going to tell WETZEL that she blew this out of proportion. It was obvious at that moment to HENDERSON that WETZEL was the one that reported what happened in the meeting to MCBREARTY (Exhibit 31, pp. 13-19).

HENDERSON also received feedback that WETZEL was spreading rumors about who HENDERSON's father had relationships with in TVA. HENDERSON explained to OI that there was a rumor that her father was friends with Charles (Chip) G. PARDEE, former Executive Vice President, Chief Operating Officer (COO) for TVA. HENDERSON stated her father never worked for TVA and does not know PARDEE.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

HENDERSON believed the rumor existed because she met PARDEE before she came to TVA through a professional organization. When she came to TVA she already knew PARDEE and he knew HENDERSON (Exhibit 31, pp. 13-19).

HENDERSON also stated that WETZEL made comments about HENDERSON's qualifications, experience and age. According to HENDERSON, WETZEL was mentioned in CONNER's DOL complaint when she stated that she believed CONNER's performance appraisal was retaliatory by HENDERSON. After she filed her March 2018 complaint, HENDERSON learned that WETZEL made comments about HENDERSON initiating investigations and the "gate logs pulled" comment by WETZEL (Exhibit 31, pp. 20-22).

In April 2018, when SHEA told HENDERSON that WETZEL wanted to go to NEI, she concurred with the request. HENDERSON was not certain why WETZEL asked SHEA and not her considering she was WETZEL's supervisor (Exhibit 31, pp. 21-22).

HENDERSON related at some point WETZEL thought HENDERSON was "intentionally trying to sabotage her loanee assignment" to NEI. HENDERSON disagreed and informed WETZEL that she was actively working with TVA OGC on the NEI contract information. HENDERSON was told by SHEA that WETZEL complained that HENDERSON was not helping with the contract which HENDERSON denied. According to HENDERSON there were several discussions with WETZEL and others about how to handle the travel. HENDERSON explained to OI that they had approximately five meetings with finance, HR and WETZEL to discuss the travel issues. HENDERSON corroborated testimony obtained by OI from WETZEL that there were initially discussions about HR writing a memo to document the travel rules with OGC approval and that a memo was drafted. HENDERSON stated that the memo simply stated what status WETZEL would be in and that she should follow the travel policy. HENDERSON related this was explained to WETZEL. WETZEL was told upfront by HR and finance that since her travel vouchers were going to exceed \$25,000 she should expect to be audited. HENDERSON related there were no discussions at that time about who WETZEL would submit her travel vouchers to but since HENDERSON was her supervisor the vouchers would come to her or the administrative assistant for review and approval (Exhibit 31, pp. 23-27).

According to HENDERSON she did not have any issues or problems with WETZEL's performance at NEI. HENDERSON did not participate in any of the discussions leading up to the ERB nor did she attend the ERB related to WETZEL (Exhibit 31, p. 27, pp. 29-31).

HENDERSON testified to OI that she does not recall a specific interaction with WETZEL in which WETZEL made it clear to HENDERSON that she was aware HENDERSON submitted the complaint about CONNER and MCBREARTY to HR in 2016 (Exhibit 31, pp. 33-34).

HENDERSON had reported former TVA employee and one of her direct reports, Thomas A. HESS for having an "very emotional" interaction with JUSTICE. HENDERSON also reported SCHRULL (former TVA employee and direct report of HENDERSON) for a "professionalism" issue with another TVA employee. According to HENDERSON, both issues were substantiated (Exhibit 31, pp. 34-35).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

Interview of Edward D. SCHRULL (Exhibit 32 and 33)

On May 23, 2019, OI:RII conducted an interview of SCHRULL who was the former Manager of Fleet Licensing, TVA, from 2013 until October 2018, and reported to HENDERSON. SCHRULL related he took a voluntary separation from TVA in October 2018 and stated it was because management wanted to go a different direction and he had some performance issues. SCHRULL was not aware of WETZEL specifically raising issues related to Watts Bar as alleged and was not aware of HENDERSON lying about WETZEL during meetings to others as alleged by WETZEL to OI (Exhibit 32, p. 2, p. 4, p. 7, pp. 25-30, pp. 34-35).

On August 27, 2019, OI:RII conducted a follow-up interview with SCHRULL who confirmed to OI:RII that he was interviewed once by TVA's OGC for approximately thirty minutes in the March-May 2018 timeframe. SCHRULL explained the interview questions and his answers revolved around SCHRULL's impression of HENDERSON. SCHRULL does not recall the specific reason for the interview but stated he mostly discussed HENDERSON. SCHRULL recalled he spoke about how he felt she was not the most qualified person for the position. SCHRULL does not recall if he discussed WETZEL during the interview. SCHRULL related he could not determine the purpose of the interview (Exhibit 33).

Interview of Thomas A. HESS (Exhibit 34)

On May 21, 2019, OI:RII conducted an interview of HESS who was a Licensing Program Manager for Sequoyah at TVA in CNL from January 2011 until July 2018. HESS reported to SCHRULL. HESS described WETZEL as knowledgeable and never witnessed her being unprofessional or insubordinate. HESS related he had resigned from TVA for health-related reasons and he was not comfortable with the work environment which he explained as being somewhat of a SCWE concern (NFI). HESS explained when he worked in CNL he would have raised a "genuine" nuclear safety concern but anything less than a "genuine" nuclear safety concern he was "not sure I [HESS] would challenge" CNL management. HESS felt like he could not trust his management above SCHRULL all the way up to CZUFIN. HESS related he was interviewed by TVA OGC in April or May 2018. HESS described the interview as not being specific and was "more of a generic organizational work environment interview." HESS spoke about HENDERSON with SLATER (Exhibit 34, pp. 3-5, pp. 20-30).

Interview of Alesia C. JUSTICE (Exhibit 35)

On August 28, 2019, OI:RII conducted an interview of JUSTICE who has been a Manager Analyst with TVA since 2014 in CNL and reported to WETZEL. JUSTICE has also reported to WILSON, POLICKOSKI and CONNER. JUSTICE's job involves trending and tracking CRs and other licensing related issues. JUSTICE described WETZEL as competent and professional in her dealings with JUSTICE. JUSTICE never witnessed WETZEL being unprofessional to others. JUSTICE related when she was interviewed by TVA OGC she thought they were investigating SCWE issues. According to JUSTICE, everyone in the CNL was interviewed by the TVA OGC. JUSTICE recalled that during the interview, the TVA OGC Attorney provided an organizational chart which included CNL and the Site Licensing Managers. The attorney then asked if she witnessed any disrespectful behavior from or towards the different individuals.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

JUSTICE stated that "management" (NFI) told everyone that the interviews were "more like safety culture type interview." JUSTICE was not provided any type of advisement or told specifically what the interview was about by the TVA OGC Attorney. JUSTICE thought that the information she provided during the interview was confidential. JUSTICE was not told she was suspected or accused of anything. Later, after the interview, the TVA OGC provided JUSTICE with a copy of the "lawsuit" filed by WETZEL (AGENT'S NOTE: JUSTICE was possibly referring to WETZEL's DOL complaint). After reading that information, JUSTICE realized the interview she had with TVA OGC was not what she thought it was about (Exhibit 35, p. 2, pp. 6-13, pp. 17-19, pp. 30-31).

JUSTICE verified HENDERSON would do the "step down" or "skip level" meetings with employees that worked for her direct reports. HENDERSON would meet with JUSTICE to discuss WETZEL. JUSTICE felt "uncomfortable" with those meetings because she felt that HENDERSON was "trying to find out something on the manager [WETZEL]" (Exhibit 35, pp. 21-23).

Interview of Michael W. MCBREARTY (Exhibit 36)

On August 30, 2019, MCBREARTY stated to OI that he recalled being interviewed in approximately April 2018, by the TVA OGC. The TVA OGC attorney mentioned to MCBREARTY the interview was related to a "harassment allegation." At the time, MCBREARTY assumed the interview was related to the allegation he mentioned in his March 2018 text message to POLICKOSKI. MCBREARTY thought this because HAGINS-DYER had told MCBREARTY that the ECP had received the allegation from MCBREARTY's text message which referenced a potential chilling effect in CNL. HAGINS-DYER had mentioned to MCBREARTY the issue would be referred to a "third party" to investigate. MCBREARTY learned later when he reviewed documents submitted by TVA to the DOL that the interview with TVA OGC was related to an investigation into MCBREARTY for harassment of HENDERSON (Exhibit 36).

MCBREARTY related that the general questions asked by the TVA OGC were related to CNL and the relationships with the site licensing. The only specifics he was asked were related to his opinions on how SHEA and HENDERSON did business and their relationships with the sites. MCBREARTY does not recall being asked any questions about leaving HENDERSON off emails or about the text message to POLICKOSKI. MCBREARTY provided his opinion to the TVA OGC when asked about SHEA and HENDERSON and how there is a lack of trust from him towards them. MCBREARTY was also asked about his relationship with SCHRULL, WETZEL and others. MCBREARTY was not provided an advisement or acknowledgement of what the interview was about and had no indication that the interview was related to an investigation into his actions. MCBREARTY and others thought the interview was a safety conscious work environment (SCWE) type of interview (Exhibit 36).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

Interview of Christopher J. RIEDL (Exhibit 37)

On October 3, 2019, OI:RII conducted an interview of RIEDL who was a Senior Program Manager in CNL. WETZEL was RIEDL's supervisor from 2014/2015 until April 2018 when she left for NEI. According to RIEDL, WETZEL was professional and friendly. RIEDL described HENDERSON as professional and one of the most organized supervisors he has ever worked for. RIEDL would not hesitate to raise safety concerns to either of them. RIEDL stated he was "shocked" when he learned the reason WETZEL was terminated because he had never witnessed WETZEL display harassing behavior or actions. RIEDL was also surprised because he had never heard of someone accused of harassing someone up the chain of command. WETZEL never spoke to him formally or informally in a negative manner about HENDERSON. RIEDL was not aware of any nuclear safety concerns identified or raised by WETZEL that were not already in some sort of review by TVA (Exhibit 37, p. 2, p. 6, pp. 11-17, pp. 19-21).

According to RIEDL, his work on the ADDDGV was limited to around Christmas 2017 when he reviewed the initial letter as prepared by THOMPSON. When RIEDL reviewed the letter, he noted that TVA did not answer the question to the NRC with regards to Browns Ferry. According to RIEDL, the initial draft letter to the NRC was an "inadequate commitment" by Browns Ferry. RIEDL told WETZEL and eventually HENDERSON about his review. According to RIEDL, HENDERSON instructed the group to write the CR 1372502 that WETZEL wrote related to the ADDDGV in December 2017. RIEDL testified to OI that HENDERSON agreed with RIEDL that the letter could not go to the NRC as initially written because it did not answer the question and the commitments were insufficient. RIEDL recalled after the initial letter was submitted, the NEI stated that TVA was an "outlier" because their letter did not look like others in the industry because TVA did not answer the question (Exhibit 37, pp. 21-29, pp. 35-36, pp. 38-39).

On October 3, 2019, following his OI interview RIEDL sent an email to OI:RII with essentially the following information: After the OI interview, RIEDL reviewed his email history and discovered that THOMPSON provided the original submittal to him for review on December 22, 2017. WETZEL assisted RIEDL with work on the letter. Also, it now appeared to RIEDL based upon his review of his email history that HENDERSON "first raised the flag about problems with the letter, most likely because we did not initially have a commitment for Browns Ferry to repair their valves." According to RIEDL, HENDERSON also raised a technical question related to the ADDDGV from THACKER to TVA Engineering Management (Exhibit 37, pp. 53-54).

RIEDL testified to OI that he recalled being interviewed by the TVA OGC in April 2018 and had no idea what it was about. RIEDL stated he was asked about issues with HENDERSON and he interpreted the questions as being about if anyone was complaining that HENDERSON was harassing them. Based upon the types of questions he was asked, RIEDL assumed it was essentially another work environment interview like the CWE ones he had taken in the past and he also thought someone had possibly filed a complaint against HENDERSON (Exhibit 37, pp. 39-43).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

Interview of Russell R. THOMPSON (Exhibit 38)

On October 3, 2019, OI:RII conducted an interview of THOMPSON who is a Senior Program Manager in CNL and worked for WETZEL from October 2012 until approximately 2017. THOMPSON described WETZEL as "very knowledgeable, very professional" and that he never witnessed WETZEL be unprofessional or insubordinate. THOMPSON never worked directly for HENDERSON but also described her as professional and knowledgeable. THOMPSON admitted he was skeptical at first when HENDERSON was hired since HENDERSON lacked experience in licensing. However, THOMPSON stated HENDERSON worked hard at learning licensing and was very energetic. THOMPSON related WETZEL made comments about being a "buffer" for THOMPSON and her staff with HENDERSON but never made "out of line" comments or anything "off normal" when talking about HENDERSON (Exhibit 38, p. 2, pp. 4-9).

According to THOMPSON, he was responsible for the initial response to the NRC on the ADDDGV issue for TVA. THOMPSON related none of the TVA sites followed the NEI format template provided for the valve tables. This was an aggravation for THOMPSON but nothing too hard to correct since it was about formatting. THOMPSON explained there was a lot more back and forth with Browns Ferry in getting the data and the schedule for corrective actions. THOMPSON completed the submittal and then went on leave. THOMPSON was then contacted by RIEDL who explained the response for Browns Ferry was "insufficient" and needed additional information. THOMPSON did not exactly agree that it was "flat-out" incorrect or that it lacked information because THOMPSON would not have submitted it otherwise. THOMPSON recalled after the first submittal went in to the NRC, NEI or a similar organization contacted TVA and stated the Browns Ferry submittal did not look like the other submittals in the industry. THOMPSON does not recall the former TVA employee THACKER specifically or receiving an email from THACKER related to the ADDDGV issue at Browns Ferry. THOMPSON does not recall HENDERSON or SHEA being upset about the submittal for the ADDDGV but recalled CZUFIN was contacted about the submittal being different from others in the industry (Exhibit 38, pp. 11-14, pp. 17-20, pp. 22-23).

THOMPSON recalled being interviewed in April 2018 by the TVA OGC. THOMPSON believed the interview was related to concerns of "intimidation, harassment, reprisal" and does not recall if HENDERSON was specifically mentioned or part of the questions. THOMPSON only recalled that they interviewed everyone in CNL and the questions seemed to be about the "general atmosphere, general working relationship." THOMPSON recalled he was asked if he had concerns or if he had any problem raising concerns (Exhibit 38 pp. 23-28).

THOMPSON related that it never made sense to him that WETZEL was released for a conduct issue because he never witnessed any unprofessional conduct or behavior from WETZEL and she never spoke with THOMPSON in a negative or unprofessional way about HENDERSON (Exhibit 38, pp. 30-33).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

### Interview of John E. SLATER, Senior Attorney, TVA (Exhibit 39)

On November 20, 2019, OI:RII conducted an interview of SLATER who began his career with TVA in 1990 as a staff attorney in TVA's OGC. For approximately twenty years, SLATER has worked primarily in employment law and has worked on DOL whistleblower complaints. SLATER also litigates cases related to EEO with the Merit System Protection Board (MSPB) and is TVA's coordinator for the Office of Special Counsel (OSC) on whistleblower matters. The investigation into HENDERSON's complaint was the first investigation he had conducted. SLATER related he had experience interviewing witnesses and collecting information in preparation for other legal matters in the past. The TVA OGC does not have a specific policy or guideline to follow to investigate these matters (Exhibit 39, p. 3, pp. 8-11).

According to SLATER, he was assigned to investigate this matter by his supervisor, Jennifer GRACE and he had no prior knowledge of HENDERSON or any of the others involved in the matter. SLATER did not know why this matter was handed over to OGC as opposed to another investigative body at TVA. It was SLATER's understanding that TVA's HR reached out to OGC and requested that OGC lead the investigation. According to SLATER, based upon his experience it was uncommon for HR to request OGC to investigate a matter (Exhibit 39, pp. 11-14). During the interview SLATER reviewed his handwritten notes from the interviews he conducted (Exhibit 15). SLATER stated the allegation from HENDERSON was an "unusual" matter since it involved a complaint of harassment and intimidation by subordinates to a manager. SLATER had not seen a complaint like this during his entire career with TVA. SLATER related POLICKOSKI confirmed much of the information he had obtained from HENDERSON and that was documented in HENDERSON's complaint related to MCBREARTY (Exhibit 39, p. 17-18).

SLATER stated to OI that in all the interviews he conducted he explained to the witnesses why he was there and that OGC had received a complaint for an allegation of harassment and intimidation by a member of the corporate nuclear licensing team. SLATER related he was not obligated to notify the TVA employees during his interviews that they were the subject of the complaint. SLATER also explained to the witnesses that he was going to ask them some open-ended questions about their relationships with other staff members. SLATER testified to OI and as documented in his notes, he asked each witness questions related to a chilling effect in the office. SLATER stated that he asked the employees if they felt they were in a CWE. SLATER stated to OI that he had never done a CWE investigation. SLATER explained to OI that the intent of his interviews was not the CWE and that this was not a CWE investigation. OI asked SLATER about the CWE section of his report and SLATER's reference in that report to how his investigation evaluated if a CWE existed in CNL. SLATER responded that he only asked each individual if they thought they were in a CWE and then reported the responses (Exhibit 39, pp. 16-18, pp. 19-20, pp. 22-28).

According to SLATER, when he interviewed WETZEL he explained to her why he was there and asked WETZEL about her relationship with HENDERSON. WETZEL made comments to SLATER about not trusting HENDERSON because she "investigates folks without a basis, pulls people's gates records." Based upon this statement SLATER determined a link between WETZEL and either MCBREARTY or CONNER.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

WETZEL also stated that despite her initial reservations about HENDERSON she was a "good manager" and organized. WETZEL explained to SLATER that she believed HENDERSON was telling people that WETZEL was incompetent which HENDERSON denied to SLATER. WETZEL related to SLATER that HENDERSON was "vindictive" then made the comments about the "gate records" pulled and investigated without good cause. WETZEL also commented to SLATER that it was not a good relationship because WETZEL was under a PIP. WETZEL believed POLICKOSKI was one of HENDERSON's favorites and that HENDERSON had recently removed personnel from WETZEL. WETZEL also told SLATER that HENDERSON would rewrite some of WETZEL's work products. WETZEL indicated that HENDERSON does not speak highly of WETZEL and stated that HENDERSON asked for information on WETZEL's performance from other managers. WETZEL commented to SLATER that she believed that HENDERSON did not have enough experience to even report to WETZEL. WETZEL stated, as captured in SLATER's notes, that "licensing is toxic" and CNL would work better if HENDERSON was moved out. WETZEL stated she believed SHEA had HENDERSON's back and that HENDERSON was "harmful to TVA's regulatory relationship." WETZEL volunteered names of others on staff that she thought had similar concerns with HENDERSON. WETZEL was asked if she was in a CWE and stated no to SLATER. WETZEL was not specifically asked by SLATER if she felt free to speak up to HENDERSON (Exhibit 39, pp. 37-48). SLATER stated that WETZEL did not mention to him a "fear" of losing her job and he did not recall if she mentioned a fear of retaliation from HENDERSON. SLATER did not feel that the information brought forth by WETZEL about HENDERSON needed to be handed over to someone else or that it needed to be investigated. When asked by OI why he felt this way, SLATER responded "I just didn't." SLATER didn't know why WETZEL's complaints about HENDERSON were not investigated when HENDERSON's complaints about five of her subordinates was investigated by TVA's OGC (Exhibit 39, pp. 77-79).

SLATER explained that TVA employees can be disciplined up to and including termination for lying during an interview or having a lack of candor. SLATER related that his investigation did not determine that WETZEL lied or misled SLATER (Exhibit 39, p. 49).

SLATER testified to OI that he did not ask further questions or for WETZEL to clarify when she made the "gate records" comment during her interview. SLATER explained that he concluded from that comment that there was some "dialogue" between MCBREARTY and WETZEL or CONNER and WETZEL because they were the only two people that knew "gate records" were pulled and that somebody was allegedly inappropriately investigated. SLATER related he "inferred" there was a link based upon those comments by WETZEL and had no other evidence to support this finding (Exhibit 39, pp. 53-55).

According to SLATER, his conclusion with WETZEL was that her actions and behavior was part of the "disrespectful conduct" towards HENDERSON (Exhibit 14, pp. 20-21, footnote 69). SLATER explained to OI and as documented in his report MSPB case law had determined disciplinary action can be taken against an employee who engages in disrespectful conduct which could lead to suspension. SLATER also commented that this was the "not the ordinary garden variety case" and that SLATER did not see any mitigating circumstances for not disciplining WETZEL for her behavior. SLATER made no specific findings on SCHRULL or JUSTICE in his report (Exhibit 39, p. 57, pp. 60-63, pp. 65-67).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

SLATER related to OI:RII, that he believed that his investigation was independent and impartial. SLATER was asked by OI why he did not interview CONNER and about the statement in the report that CONNER was not interviewed at the "insistence of management." SLATER stated he did not recall who in "management" made this request. OI asked SLATER if it was OGC or CNL management to which he responded "no, it would not have been OGC management" and that "it would not have been" HENDERSON. When asked by OI, if it was SHEA, SLATER responded, "it is possible" and "I do not know when it would go higher than that." At which time SLATER was reminded by his attorney to "speak to what you know" and SLATER told OI that he does not know who requested that CONNER not be interviewed. SLATER stated he was not directed by anyone else in management to do or not do anything else in this investigation. SLATER made no conclusions on CONNER's actions in his report (Exhibit 39, p. 15, pp. 67-72).

SLATER stated he reviewed the ECP reports but did not know during his OI interview who reported the 2016 ECP complaint. SLATER was told during the interview by OI that it was not MCBREARTY as referenced in his report. SLATER did not interview the ECP managers or investigators. SLATER did not interview DIMOPOLUS or BOERSHIG despite referencing in his report that they counseled MCBREARTY on his behavior. SLATER pointed to a footnote in his report that this information came from HENDERSON and SHEA but provided no further evidence or follow-up to corroborate this information (Exhibit 39, pp. 80-87).

SLATER was told by OI that witnesses denied to OI that they were given an advisement or told what the interview was about, but he contended that he explained to everyone the purpose of the interview. SLATER also stated that he told witnesses that they should not fear reprisal or retaliation for speaking with him as he has been trained to do from his no fear act training. SLATER stated to OI that he told witnesses that there will be no action taken against them for participating in the investigation (Exhibit 39, pp. 88-94).

SLATER related after his initial draft report in May 2018 was submitted to GRACE, he was asked by GRACE to complete some edits. SLATER did not conduct further investigative activity and did not re-interview anyone or find additional documents and stated that it was minor changes (Exhibit 39, pp. 103-105).

SLATER did not create the supplemental OGC addendum to his report dated August 30, 2019 (Exhibit 14, pp. 40-42), and the first time he viewed the document was during the OI interview. SLATER was not part of WETZEL's ERB and was not consulted about the report with regards to WETZEL or to provide any recommended disciplinary action (Exhibit 39, pp. 106-107, pp. 115-117).

### Additional Interviews

The following individuals who worked with/for HENDERSON and/or WETZEL were interviewed by OI. They each essentially stated they had limited interaction with HENDERSON and/or WETZEL during the timeframes in question and never witnessed any insubordinate or unprofessional behavior from either of them. They did not have any further relevant information to provide:

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

Zachary T. KITTS, Licensing Engineer, TVA, Sequoyah (Exhibit 40)  
Jonathan JOHNSON, Site Licensing Manager, TVA Sequoyah (Exhibit 41)

### Agent's Analysis

#### Employee's Protected Activity

As previously stated, WETZEL related to OI that she raised nuclear safety related concerns to HENDERSON and/or SHEA since at least 2016. WETZEL also testified to OI that in December 2017, the ADDDGV issue at Browns Ferry was the last nuclear safety concern she raised to HENDERSON and it was the concern she believed most likely contributed to her adverse action because HENDERSON was so upset. WETZEL also generated two CRs related to the ADDDGV issue in December 2017. These CRs are maintained in the OI case file and can be made available for review upon request.

In April 2018, WETZEL participated in what she reasonably believed was a protected activity when she was interviewed by SLATER for what she, and others, thought was essentially a CWE interview. According to SLATER and as documented in his interview notes and final report all the witnesses, to include WETZEL, were asked open ended questions about office relationships to include if they believed there was a CWE in CNL or if they felt chilled. During the interview with SLATER, WETZEL answered questions from SLATER about her relationship with HENDERSON and other employees. WETZEL spoke truthfully to SLATER and provided her opinions about HENDERSON. According to WETZEL she also stated essentially that she had a fear of retaliation (i.e., losing her job) from HENDERSON. SLATER stated to OI and documented in his notes and report, that WETZEL also stated that there was a "toxic" environment in CNL, that HENDERSON was "vindictive," that HENDERSON is "harmful to TVA's regulatory relationship" and that HENDERSON has a "benefactor" higher in TVA management than SHEA. WETZEL provided past examples of what she believed demonstrated that HENDERSON may have targeted other individuals and provided names of other TVA employees that could corroborate WETZEL's claims.

On May 7, 2018, after her interview with SLATER, WETZEL sent an email to SHEA in which she essentially expressed a concern related to alleged past and potential future retaliatory behavior by HENDERSON. WETZEL expressed her opinion about past incidents in which HENDERSON "has demonstrated a longstanding pattern of using TVA processes as punitive and retaliatory tools." WETZEL went on to state that it was her belief that based upon HENDERSON's "lack of detail" in the "NEI Loanee Confirmation 2018" document that HENDERSON may use WETZEL's travel vouchers as an "investigative tool" against WETZEL (Exhibit 11, pp. 14-15).

On June 9, 2018, WETZEL emailed SHEA and stated that she was "afraid what will happen as soon as I start submitting vouchers." WETZEL went on to state that she does not "even try to understand my boss [HENDERSON] and why she does what she does, but I [WETZEL] do know that she [HENDERSON] never gives up."

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

SHEA wrote WETZEL back essentially asking her what she was "referring" to with her comments about HENDERSON and if there was something more than her last email (which is assumed by OI to be a reference to the May 7, 2018 email). Then WETZEL replied to SHEA's email and stated that "it's ridiculous because I am afraid and have not submitted" the travel vouchers (Exhibit 12, pp. 1-7).

On July 2, 2018, SHEA contacted WETZEL on the phone in the presence of his administrative assistant. SHEA stated he asked WETZEL to explain what she was "experiencing specifically that led her to believe something was going on" with HENDERSON. SHEA documented in the ERB that WETZEL had nothing to add from her previous email (Exhibit 16, p. 6 and p. 13). WETZEL explained to OI that she did not provide any additional details to SHEA during this phone call because she was concerned about the presence of the administrative assistant (Exhibit 3, pp. 40-45).

Employer's Knowledge of Employee's Protected Activity

HENDERSON and SHEA related to OI that they had knowledge of nuclear safety related issues raised by WETZEL based upon WETZEL's position in nuclear licensing. In December 2017, HENDERSON and SHEA had knowledge of the ADDDGV issue and WETZEL's CRs. SHEA, HENDERSON and TVA essentially stated that WETZEL's claimed "protected activities" were a central and required function of her job and were not protected activity.

On May 7, 2018, SHEA was aware of WETZEL's concerns related to HENDERSON which included an allegation of WETZEL's fear of retaliation from HENDERSON. SHEA testified to OI that WETZEL had made these assertions on "several occasions" in the past in person, in text messages and in emails (Exhibit 30, pp. 27-30, and Exhibit 16, pp. 6-7).

On May 14, 2018, SHEA emailed WETZEL and stated the "very serious assertions" she made related to HENDERSON were provided to "an appropriately independent review party" for further evaluation (Exhibit 11, pp. 13-14). SHEA's email is an acknowledgement by SHEA that WETZEL had raised "very serious assertions" about HENDERSON's behavior and conduct and it needed to be at least provided to "an appropriately independent review party." SHEA decided this "independent review party" would be TVA OGC and SLATER. At the time, SHEA knew the TVA OGC investigation was looking into whether WETZEL and others were creating a harassing environment for HENDERSON. SHEA also had the historic knowledge of past ECP investigations into HENDERSON's conduct (Exhibit 7). However, SHEA decided to provide "very serious assertions" against HENDERSON from WETZEL to the investigator (SLATER) responsible for the investigation into allegations from HENDERSON about WETZEL.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

This was contrary to a past incident in March 2018, when SHEA provided to TVA ECP an allegation by MCBREARTY in his text message to POLICKOSKI about similar behavior by HENDERSON possibly creating a CWE (Exhibit 21, pp. 23-25). In June/July 2018, in an email WETZEL continued to discuss a retaliatory "fear" from HENDERSON with SHEA and was concerned about submitting her travel vouchers (Exhibit 12).

On September 19, 2018, and again in December 2018, SHEA provided information at the ERB and follow-up ERB about WETZEL's emails and statements which includes the fear of retaliation claims. Based upon the ERB documents all the ERB members were made aware of WETZEL's concerns with HENDERSON creating a harassing environment for WETZEL. The ERB documented that WETZEL had "raised issues or concerns regarding harassment, intimidation, discrimination, retaliation or a hostile work environment" in the emails to SHEA. The ERB members were also provided information related to WETZEL's CRs related to the ADDDGV issue (Exhibit 16, pp. 5-6).

### The Adverse Action Taken Against the Employee

On September 19, 2018, SHEA provided the justification and recommendation to ERB members to offer WETZEL a no-fault separation agreement and if this was not accepted then WETZEL's employment should be terminated. On October 15, 2018, WETZEL was placed on paid administrative leave by SHEA in the presence of POLAND. On October 16 and 19, 2018, the ERB documents were finalized and approved with signatures by the ERB members. On January 14, 2019, WETZEL was officially terminated from employment with TVA (Exhibits 16 and 18).

### Was the Protected Activity a Contributing Factor to the Adverse Action?

WETZEL stated that her raising of nuclear safety concerns, specifically the ADDDGV issue, was a contributing factor to her termination from employment. However, the OI investigation demonstrated WETZEL's assertions to SHEA and participation in the investigative interview in which she provided similar information to SLATER related to a fear of retaliation from HENDERSON which could reasonably contribute to a CWE was a protected activity and was a contributing factor in her termination.

In April 2018, based upon the HENDERSON complaint (Exhibit 10), SLATER conducted interviews of CNL and Site Licensing employees. The OI:RII interviews of WETZEL, THOMPSON, RIEDL, HESS, MCBREARTY, SCHRULL, and JUSTICE (who were all interviewed by SLATER) determined these individuals did not know the specific reason for the interview with SLATER. They essentially believed based upon the circumstances and the general questions being asked by SLATER that the interviews were, at the very least, part of a CWE investigation. The DOL investigation determined SLATER's interviews were part of a CWE investigation (Exhibit 20).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

On May 14, 2018, SHEA acknowledged to WETZEL he received the “very serious assertions” about HENDERSON and provided it to “an independent review party” (Exhibit 11, pp. 13-15). SHEA’s email exchange with WETZEL was also referenced in the final TVA OGC report (Exhibit 14) as an example of “disrespectful conduct” by WETZEL. The email was also referenced in the ERB documents as an example of WETZEL raising an HIRD concern (Exhibit 16, pp. 5-6).

On July 2, 2018, SHEA, in the presence of his administrative assistant, asked WETZEL “what was she experiencing specifically that led her to believe something was going on?” The email and phone call were referenced in the ERB package as an indication that WETZEL “could provide no specific evidence to support her concern that her supervisor [HENDERSON] would improperly leverage her travel voucher review” (Exhibit 16, pp. 5-6). This condition by SHEA and TVA OGC for WETZEL to provide “specific evidence” seems contrary to TVA procedures and the TVA code of conduct (Exhibit 19). Based upon OI interviews, TVA’s HR and ECP have very low thresholds for initiating investigations. This apparent request for WETZEL to provide “specific evidence” to support her claim is especially concerning when coupled with the fact that SHEA and SLATER had knowledge of the past concerns against HENDERSON as documented in the TVA ECP reports (Exhibit 7).

In September 2018, SHEA prepared and presented to the ERB information to support a termination of WETZEL based upon the results of the TVA OGC investigation and the supplemental memorandum all of which included the concerns WETZEL had raised about HENDERSON to SHEA and SLATER (Exhibit 16). It was allegedly mentioned at the ERB for WETZEL by TVA OGC that WETZEL’s concerns about HENDERSON were not made in “good faith” and were therefore not protected activity. The “good faith” reference is described in TVA procedure as “the belief that the concern is raised based on information that is accurate and truthful to the best of the concerned individual’s knowledge” (Exhibit 19, p. 5, p. 46). The evidence obtained by OI demonstrated WETZEL’s statements about HENDERSON’s behavior which WETZEL believed were retaliatory were “accurate and truthful to the best of” WETZEL’s “knowledge.” WETZEL’s statements were rooted in truth, in that the activities occurred but were arguably not based upon the reasons that WETZEL believed. Even CALLE, who oversees TVA’s ECP and is the Chairman for the Nuclear Safety Culture Monitoring Panel (NSCMP) for TVA, testified to OI that WETZEL’s participation in the OGC interview was a protected activity and documented it as such during the ERB (Exhibit 29, pp. 31-33).

The same TVA procedure also stated that disciplinary action to include termination may be taken “if it is determined that an issue is raised by one who intentionally provides false information, or with malicious intent to harm the company or another employee” (Exhibit 19, p. 46). TVA did not provide nor did OI obtain any evidence to demonstrate WETZEL had “intentionally” provided false information or had “malicious intent” to harm TVA or HENDERSON. To the contrary, witnesses interviewed by OI stated that WETZEL did not speak negatively about HENDERSON. Based upon the evidence obtained by OI the only people WETZEL spoke to about her concerns with HENDERSON was SHEA, HENDERSON’s manager, and SLATER when questioned during an interview, both of which were appropriate avenues for reporting concerns about a supervisor.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

It was also noted by OI that WETZEL was careful to remove others from email chains when reporting her concerns about HENDERSON to SHEA. WETZEL also claimed to OI to be guarded about providing negative comments about HENDERSON when SHEA's administrative assistant was present on the phone in July 2018.

On September 19, 2018, the WETZEL ERB occurred and for reasons not specifically known to witnesses, the ERB documents were not signed by the ERB members, BONO (ERB Chairperson), FULTS (ECP), DREKE (OGC), CALLE (NSCMP) until October 16, 2018, and by REEVES (HR) until October 19, 2018. The testimony and handwritten notes from WETZEL indicated she was given her first no-fault separation agreement and then placed on paid administrative leave by SHEA in the presence of POLAND on October 15, 2018 (Exhibit 18). This date was corroborated by WETZEL's allegation receipt form (RII-2018-A-0098) to the NRC which WETZEL documented as having occurred on October 15, 2018, the same day she reported the incident to the NRC (Exhibit 2, pp. 3-6). TVA may have violated their own policy by administering an adverse employment action (no-fault separation agreement and paid administrative leave) to WETZEL before final approval of the ERB documents with signatures as explained to OI by CALLE and as documented in TVA's adverse action procedure (Exhibit 29, pp. 14-15, p. 19, and Exhibit 19, pp. 51-98).

OI:RII requested and received a copy of the WETZEL ERB from TVA OGC which referenced but did not contain the TVA OGC report or supplemental memorandum (Exhibit 16). OI:RII was then provided an ERB package from FULTS that she was provided in preparation for the ERB for WETZEL and for use during the ERB in September 2018, which contained the TVA OGC report and supplemental memorandum (Exhibit 17). According to FULTS, at the conclusion of the ERB she and other ERB members were instructed by REEVES to destroy the TVA OGC reports (Exhibit 31, pp. 13-19). TVA HR possibly violated the TVA procedures for recordkeeping related to ERBs if they have not maintained these ERB related documents (Exhibit 19, p. 72).

OI:RII attempted to evaluate if WETZEL had been treated differently than other similarly situated TVA employees. The ERB package referenced a discussion SHEA had with HR which documented past examples of termination for "significant issues of harassment were identified" with no supporting documentation or specific examples attached to the ERB (Exhibit 16, p. 7). The OI interviews with REEVES and POLAND failed to provide specific information on employees used as examples and their testimony differed on who conducted the review, what violations were compared, and the timeframe reviewed (Exhibits 26 and 27).

SHEA and the ERB members have essentially stated that the justification for terminating WETZEL was based upon a legitimate non-retaliatory business reason as documented in the TVA OGC report and supplemental memorandum. As testified to OI by several witnesses and as documented in the report, the conclusion of the SLATER report was that MCBREARTY had violated TVA Policy and Federal law. It should be noted that TVA managers involved in this matter failed to notify TVA's OIG of this violation of federal law contrary to TVA procedures (Exhibit 19, pp. 99-106). SLATER testified to OI that he determined WETZEL had demonstrated "disrespectful conduct" and SLATER was unaware of the supplemental memorandum used at WETZEL's ERB.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

Since the final TVA OGC report provided little conclusion on WETZEL's actions, SHEA approached OGC and explained that he did not have enough to either close or take action on WETZEL (Exhibit 20, pp. 14-15). On August 30, 2018, TVA OGC provided the Supplemental Memorandum which included a recommendation to terminate WETZEL. A review by OI:RIL, and according to SHEA, the supplemental memorandum provided no new facts or evidence related to WETZEL but only gave a legal analysis of WETZEL's behavior. The supplemental memorandum stated WETZEL had spread false rumors about HENDERSON and had failed to submit her travel vouchers in a timely manner (Exhibit 14, pp. 40-42). The termination of WETZEL for these actions seems contrary to TVA's procedure on Employee Discipline related to "progressive discipline" (Exhibit 19, p. 112).

SLATER's testimony to OI, was that the TVA OGC investigation was an independent investigation. As documented in the TVA OGC report by SLATER "[a]t the insistence of management" CONNER was not interviewed (Exhibit 14, p. 4). During his OI interview, SLATER initially stated that it was possibly SHEA that directed him to not interview CONNER but then stated he could not recall who had insisted he not interview CONNER. Despite SLATER's testimony to the contrary, the "insistence of management" to not interview a relevant individual is enough to question the independence of the TVA OGC investigation.

The claim by SLATER that his investigation was not a CWE investigation was not supported by evidence and testimony obtained by OI. As documented in the TVA OGC report and in testimony obtained by OI from several witnesses, to include SLATER, the interview questions were related to CWE and the raising of nuclear safety concerns. Witnesses had a reasonable belief that the interview was at the very least part of a CWE investigation. SLATER claimed to OI that he told every witness the nature of the interview, however this was not corroborated by the witnesses interviewed by OI.

The claim by TVA and SLATER that his investigation was not a CWE investigation is not supported by SLATER's own report. For example, in the Chilled Work Environment section of the OGC report (Exhibit 14 pp. 16-19) there is a reference to how SLATER's investigation "found no evidence of a chilled work environment in Corporate Nuclear Licensing" (Exhibit 14, p. 18). SLATER went on to state that there have been "five separate instances, in the last two years, wherein the issue of whether a chilled work environment exists in Corporate Licensing has been investigated. Consistent with each successive investigation, there was a finding of no chilled work environment" (Exhibit 14, p. 18). The five instances referred to by SLATER as CWE investigations are the three ECP investigations, the NRC inspection and his TVA OGC investigation. In a footnote to his report, when referencing a previous ECP finding of no CWE in CNL, SLATER noted again that pulsing surveys were completed "despite the fact there have been five findings (including in this Report) to the contrary" (Exhibit 14, p. 9). Furthermore, contrary to SLATER's statements about the ECP reports, a review of the information in the ECP investigations does highlight some CWE concerns related to HENDERSON's behavior and the work environment in CNL (Exhibit 7). Regardless of the actions or intent of SLATER, WETZEL and other witnesses had reason to believe they were participating in an investigation that at the very least had a chilled work environment component. Based upon the questions asked and the witnesses experience and training in the nuclear industry they had a reasonable belief that their participation and the information they provided was in confidence and was a protected activity.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

On January 14, 2019, TVA terminated WETZEL's employment and the documented basis for the termination was violations of TVA policy to include TVA's Code of Conduct, TVA's No Fear Executive Policy, as well as the Whistleblower Protection Act and Section 211 of the Energy Reorganization Act. The termination letter cited that the TVA OGC "investigation substantiated that you [WETZEL] deliberately spread false information and pursued allegations that were known to be false and unfounded, even during the course of the investigation and up to and including the present, in an attempt to undermine your supervisor's [HENDERSON's] credibility and standing in the organization" (Exhibit 18, pp. 10-11). First, this statement is contrary to SLATER's report and testimony to OI in that his investigation determined WETZEL's actions were "disrespectful conduct" and he did not conclude that she violated federal law (Exhibit 39, p. 57, pp. 60-63, pp. 65-67). Second, based upon this termination letter, TVA has admitted that WETZEL was being terminated, in part, for the statements she made to SLATER during her interview related to HENDERSON. WETZEL's participation in an investigative interview related to the existence of a CWE and the statements she provided was a protected activity. TVA policy expects employees to participate in the investigative process and failure to do so could result in disciplinary action (Exhibit 19, p. 42). The ERB members recognized that her involvement in the OGC interview was a protected activity (Exhibit 16, p. 8). Finally, the statements she made to SHEA and SLATER about HENDERSON were in fact a concern of a fear of retaliation from HENDERSON which can lead to a CWE, the reporting of which is a protected activity and encouraged by TVA procedure (Exhibit 19, pp. 36-50). The preponderance of the evidence obtained by OI demonstrated that WETZEL's protected activity was a contributing factor in TVA's decision. As outlined in WETZEL's termination letter, TVA admitted statements made by WETZEL during the TVA OGC interview (protected activity) contributed to her termination. TVA also failed to provide and OI did not obtain clear and convincing evidence that TVA would have taken the same adverse action even if WETZEL had not engaged in protected activity. TVA also failed to provide and OI did not obtain evidence that demonstrated TVA's stated reason for the adverse action was reasonable.

This investigation demonstrated that HENDERSON, based upon her position, training and experience in the nuclear industry had a clear knowledge and understanding of the NRC's employee protection regulation (10 CFR 50.7) (Exhibit 42). As documented in the OI investigation and by TVA's ECP, HENDERSON's behavior and actions towards her subordinates and other site licensing managers created the perception of a CWE (i.e. disagreeing with HENDERSON could lead to retaliation). In March 2018, HENDERSON, with the approval and encouragement from SHEA, submitted a formal complaint alleging harassment from her direct subordinates and other employees below her in the chain of command. As demonstrated in OI Case 2-2018-033, HENDERSON submitted this complaint, in part, to prevent MCBREARTY from raising a nuclear safety concern. Based upon her complaint and testimony to OI, it is reasonable to assume that HENDERSON had knowledge of the concerns WETZEL provided to SHEA (i.e. a fear of retaliation from HENDERSON). It is also reasonable to assume that this information contributed to HENDERSON's decision to include WETZEL's behavior in her complaint and in statements to SLATER expecting that it would lead to some employment action against WETZEL that would prevent her, and potentially others, from continuing to raise concerns that HENDERSON's behavior and actions were creating a CWE in CNL.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

This investigation demonstrated that SHEA, based upon his position, training and experience, in the nuclear industry had a clear knowledge and understanding of the NRC's employee protection regulation (10 CFR 50.7) (Exhibit 42). SHEA was provided, on multiple occasions through various means, information directly from WETZEL related to a fear of retaliation from HENDERSON which could potentially impact the SCWE or create a chilling effect for WETZEL or others in CNL. SHEA also had the knowledge of previous ECP investigations in relation to HENDERSON and potential harassing behavior. With this understanding, SHEA decided to not report WETZEL's concerns to ECP or HR (as he had in the past) but instead provided it to the TVA OGC to investigate as potential harassing conduct by WETZEL towards HENDERSON. It is reasonable to assume that SHEA provided this information to TVA OGC with the expectation that it would lead to an employment action against WETZEL to prevent WETZEL from continuing to raise these fear of retaliation concerns which is a protected activity.

Therefore, the preponderance of the evidence demonstrated the deliberate actions of HENDERSON and SHEA caused TVA to be in violation of the NRC's employee protection regulation (10 CFR 50.7).

Conclusion

Based on the preponderance of the evidence developed during this investigation, the allegation that Beth A. WETZEL, former Manager of Emerging Regulatory Issues, employed by the Tennessee Valley Authority (TVA) at the TVA Corporate Office in Chattanooga, Tennessee, was the subject of discrimination for participating in a protected activity was substantiated. The preponderance of the evidence indicated that the deliberate misconduct (10 CFR 50.5) of TVA employees Joseph W. SHEA and Erin K. HENDERSON caused the licensee to be in violation of the employee protection rule (10 CFR 50.7).

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

**THIS PAGE LEFT BLANK INTENTIONALLY**

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



## OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

### SUPPLEMENTAL INFORMATION

This investigation (2-2019-015) is related to OI investigation 2-2018-033.

In May 2019, Christopher CHANDLER, Associate General Counsel with the TVA's OGC was initially TVA's representative for information and documents OI requested related to the WETZEL matter. In June 2019, CHANDLER represented SHEA, POLAND, JOHNSON, HENDERSON and BONO during their OI interviews. In accordance with OI's Investigations Procedure Manual (IPM) and as documented in the interview transcripts, during each of these interviews when questioned by OI, CHANDLER stated he did not have any conflict of interest with representing the witnesses and TVA during the interviews. This investigation determined, that in August 2018, CHANDLER was one of the authors of a legal analysis of WETZEL's actions which was provided to TVA managers, specifically to SHEA, and included a recommendation to terminate WETZEL's employment with TVA. In November 2018, TVA retained outside counsel (Timothy J. WALSH, Special Counsel, Pillsbury Winthrop Shaw Pittman LLP) to represent TVA and individual employees that OI had planned to interview.

On May 23, 2019, FULTS provided OI:RII with an electronic copy of documents she described as being provided to her in preparation for and for use during WETZEL's ERB in September 2018. On December 11, 2019, OI:RII and Sarah PRICE, NRC RII Regional Counsel, received an email with a letter attached from Todd PRESNELL, Attorney, Nashville, Tennessee (maintained in OI case file). PRESNELL's letter related that he represents TVA and that the supplemental memorandum (Exhibit 14, pp. 40-42) in OI's possession contained attorney client privileged information and needed to be returned to TVA. The letter from PRESNELL confirmed to OI:RII that CHANDLER and Jennifer L. GRACE, TVA Managing Attorney were the authors of the supplemental memorandum. On December 12, 2019, OI:RII participated in a teleconference with NRC OGC (Mauri LEMONCELLI and Sarah KIRKWOOD), Regional Counsel (PRICE), OI:RII SAIC (Alex ECHAVARRIA) and the OI Director (Andy SHUTTLEWORTH) to discuss the letter from PRESNELL. It was determined that NRC OGC would provide a response to PRESNELL and OI should continue their investigation as normal. It was also determined that OI should still use the document referenced by PRESNELL (Exhibit 14, pp. 40-42) as an exhibit to the ROI.

On December 13, 2019, OI:RII contacted CHANDLER and GRACE to schedule OI interviews which they initially agreed to but requested legal counsel to be present. On December 16, 2019, OI:RII was contacted by WALSH and advised that he was requested to represent CHANDLER and GRACE for the OI interviews. OI:RII related to WALSH part of the OI questioning would be related to the supplemental memorandum, so WALSH requested for OI to delay these interviews until the privileged document issue was resolved by TVA and NRC. OI:RII through coordination with OI:HQ and NRC OGC decided to close this investigation and provide a supplemental report if or when the interviews of CHANDLER and GRACE occur.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

On January 8, 2020, OI:RII referred this matter to the Department of Justice (DOJ) for prosecutorial consideration. As of the date of this report OI is awaiting a response from DOJ.

Exhibit 20, contains DOL information and only DOL can determine if the information can be released outside of NRC.

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

**LIST OF EXHIBITS**

**Exhibit**

**No.    Description**

1. Investigative Status Record, OI Case No. 2-2019-015, dated April 22, 2019 (1 page)
2. Allegations Review Board Disposition Record, Allegation Number RII-2018-A0098, dated October 23, 2018 (6 pages)
3. Interview Transcript of WETZEL, dated May 9, 2019 (75 pages)
4. Interview Transcript of WETZEL, dated November 13, 2019 (43 pages)
5. Interview Transcript of WILLINGHAM, dated November 14, 2019 (24 pages)
6. TVA Employee Investigation, dated June 17, 2016; Copy of the TVA HR investigation template, undated (4 pages)
7. Review of TVA's ECP Investigation NEC-16-00638, multiple dates; TVA's ECP Investigation NEC-17-00410, multiple dates; TVA's ECP Investigation NEC-17-00683, multiple dates (24 pages)
8. Emails between HENDERSON and WETZEL related to the ADDDGV issues, dated November-December 2017 (6 pages)
9. Letters to the NRC addressing the ADDDGV issues, December 28, 2017 and January 11, 2018 (13 pages)
10. Formal Complaint filed by HENDERSON, dated March 9, 2018 (8 pages)
11. Emails between SHEA and WETZEL, dated March 29, 2018 and May 6, 7 and 14, 2018 (17 pages)
12. Emails between SHEA, WETZEL HENDERSON and others related to travel vouchers and other concerns, June – August 2018 (7 pages)
13. Email from Chris EARLS (NEI) to HENDERSON, dated August 1, 2018 (2 pages)
14. TVA OGC Cover Letter and Report, dated August 10, 2018 and the TVA OGC Supplemental Report on WETZEL; dated August 30, 2018 (42 pages)
15. Interview Notes created by SLATER, undated (36 pages)
16. TVA Executive Review Board (ERB) Package for WETZEL, dated September 19, 2018 and signed October 16 and 19, 2018 (27 pages)

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015



**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

17. Personal Notes of FULTS on WETZEL's ERB documents, undated; Email from FULTS to HAGINS-DYER with attachments, dated September 19, 2018 (42 pages)
18. WETZEL's handwritten notes from meeting with SHEA and POLAND, dated October 15, 2018; Voluntary Separation Agreements, dated October 25, 2018 and November 15, 2018; Notice of Termination, January 14, 2019 (11 pages)
19. TVA Code of Conduct, dated February 2019; TVA's Expressing Concerns and Differing Views, TVA-SPP-11.804, Rev 0009, dated March 22, 2019; TVA's Adverse Employment Action and the Executive Review Board, NPG-SPP-01.7.4, Rev. 0002, dated August 13, 2018; TVA Procedure Cooperation with the Office of the Inspector General TVA-SPP-11.8.5 Rev. 0003, dated August 7, 2015; TVA Procedure on Employee Discipline, TVA-SPP-11.316, Rev. 6, dated September 11, 2018 (131 pages)
20. DOL Report into TVA/WETZEL/4-1760-19-025, dated August 20, 2019; DOL's News Release, dated August 26, 2018; DOL's MOIs, various dates (26 pages)
21. Interview Transcript of HAGINS-DYER, dated May 21, 2019 (66 pages)
22. Interview Transcript of HAGINS-DYER, dated October 3, 2019 (25 pages)
23. Interview Report with HAGINS-DYER, dated October 10, 2019 (1 page)
24. Interview Transcript of FULTS, dated May 23, 2019 (96 pages)
25. Interview Transcript of POLAND, dated November 14, 2019 (35 pages)
26. Interview Transcript of POLAND, dated June 11, 2019 (27 pages)
27. Interview Transcript of REEVES, dated November 14, 2019 (33 pages)
28. Interview Transcript of BONO, dated June 11, 2019 (22 pages)
29. Interview Transcript of CALLE, dated November 14, 2019 (41 pages)
30. Interview Transcript of SHEA, dated June 12, 2019 (66 pages)
31. Interview Transcript of HENDERSON, dated June 12, 2019 (38 pages)
32. Interview Transcript of SCHRULL, dated May 23, 2019 (46 pages)
33. Interview Report With SCHRULL, dated August 27, 2019 (1 page)
34. Interview transcript of HESS, dated May 21, 2019 (32 pages)
35. Interview Transcript of JUSTICE, dated August 28, 2019 (34 pages)

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**

- 36. Interview Report With MCBREARTY, dated August 30, 2019 (1 page)
- 37. Interview Transcript of RIEDL, dated October 3, 2019 and email from RIEDL to OI, dated October 3, 2019 (54 pages)
- 38. Interview Transcript of THOMPSON, dated October 3, 2019 (36 pages)
- 39. Interview Transcript of SLATER, dated November 20, 2019 (119 pages)
- 40. Interview Transcript of KITTS, dated August 28, 2019 (38 pages)
- 41. Interview Transcript of JOHNSON, dated June 12, 2019 (10 pages)
- 42. Email from TVA and Training on 10 CFR 50.7, dated September 17, 2019 (2 pages)

**NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION II**

Case No. 2-2019-015

**OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION**