

From: JSheaIA-Hearing Resource
Sent: Saturday, February 13, 2021 11:03 AM
To: JSheaIA-HearingNPEm Resource
Subject: FW: Re: McBrearty / TVA

From: Michael McBrearty
Sent: Friday, August 30, 2019 8:50 AM
To: Luina, Scott <Scott.Luina@nrc.gov>
Cc: Alan Kabat <kabat@bernabeipllc.com>
Subject: [External_Sender] Re: McBrearty / TVA

Scott,

In follow up to our phone discussion, on page 22 of the TVA investigation report (attached to TVA's February 11, 2019 response letter), the TVA investigator worded some aspects in a manner that did not seem (to me) reflective of our discussion. Below is one aspect that really jumped out at me when I first read his report. The report did not seem to correctly characterize the tone of our discussion.

Specifically, the report states, "Mr. McBrearty does not mince words about his working relationship with Ms. Henderson, stating emphatically that it 'is not a good relationship' and referring to Ms. Henderson as "punitive."

I recall this part of the interview being a very calm albeit clumsy discussion. Although it's been about a year and a half since I was interviewed, I recall telling the investigator that I felt Ms. Henderson was a very intelligent person, and I believe I told him I thought she could be a good manager, but that she was punitive and abrasive with people who disagreed with her.

Also, with respect to TVA's 2016 investigation of my relationship with Ms. Conner, it seemed strange that the 2019 investigator would suggest that a different conclusion could have been reached if HR had conducted a more thorough investigation.

Please let me know if you have any other questions.

Best Regards,

Mike

Sent from my iPhone

On Aug 28, 2019, at 8:36 PM, Luina, Scott <Scott.Luina@nrc.gov> wrote:

Ok. Thanks.

On: 28 August 2019 12:22,
"Michael McBrearty" wrote:

How about if you call me on my USA number.... You should be able to direct dial. If you encounter a problem, text or email me and I will call you.

Sent from my iPhone

On Aug 28, 2019, at 7:03 PM, Luina, Scott <Scott.Luina@nrc.gov> wrote:

This Friday would be great. How about 0800am. You call me or i call you?

On: 28 August 2019 05:02, "Michael McBrearty" <> wrote:

Scott,

I am available later this week (Friday 8/30 at 4-6 pm my time/8-10 am your time), or else next Thursday or Friday (September 5 or 6).

Best Regards,

Michael McBrearty

Sent from my iPhone

On Aug 27, 2019, at 9:33 PM, Luina, Scott <Scott.Luina@nrc.gov> wrote:

Alan –

Are you still representing Mr. McBrearty related to the NRC investigation? If so, I have a follow-up question from his previous interview with us. Just something I needed some clarification on. Please let me know.

Thanks!

Scott K. Luiña, Senior Special Agent
Office of Investigations, Region II
U. S. Nuclear Regulatory Commission
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From: Alan Kabat <kabat@bernabeipllc.com>
Sent: Friday, March 1, 2019 9:41 AM
To: Luina, Scott <Scott.Luina@nrc.gov>
Cc: Michael McBrearty < >
Subject: [External_Sender] RE: RE: McBrearty / TVA

Mr. Luina,

Thanks for the queries. The TVA employee referenced in the paragraph was Geoff Cook, now retired. His cell phone is.

Ed Schrull's cell phone is. By way of further explanation, Mr. Schrull was a direct report to Erin Henderson and is one several people Ms. Henderson accused of conspiring against her. While Mr. McBrearty was on suspension, Mr. Schrull contacted him (McBrearty) and said he had been called into Ms. Henderson's office and told to either resign/retire or be terminated. In response to this unilateral demand, Mr. Schrull eventually retired.

Michelle Conner (Harris) still works at TVA. Her non-work email is and her cell is.

We do not have Alesia Cox Justice's contact information, but believe she still works at TVA and is friends with Michelle Conner, so Ms. Conner may have her contact information.

Also, just to correct the description below, the High Pressure Fire Protection event occurred at Sequoyah (Mr. McBrearty's former plant) and not Watts Bar.

Thank you,

Alan

Alan R. Kabat
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From: Luina, Scott <Scott.Luina@nrc.gov>

Sent: Thursday, February 28, 2019 3:41 PM

To: Alan Kabat <kabat@bernabeipllc.com>

Cc: Michael McBrearty <>

Subject: RE: RE: McBrearty / TVA

Mr. Kabat –

During Mr. MCBREARTY's interview he mentioned about an incident from March 2016, about an issue at Watts Bar dealing with the isolation of all the fire water being a reportability issue at Watts Bar dealing with 10 CFR 50.72. Initially everyone, to include MCBREARTY, thought it wasn't reportable to the NRC, then some new evidence was presented that showed a similar incident was reportable at another site. Based upon this new information, MCBREARTY and others agreed that it was reportable. SHEA, HENDERSON and others were involved in the discussions about this issue on the phone with MCBREARTY and others. After this discussions on the phone, MCBREARTY received a call from another TVA employee (NFI), who stated that after the call, the group was asked why it took so long to get to that decision by the then TVA CNO (Joe GRIMES). MCBREARTY was told by this TVA employee, that HENDERSON then stated that she had been telling MCBREARTY for a week that it was reportable and drug MCBREARTY's "name through the mud." The TVA

employee told MCBREARTY that he should not trust HENDERSON.

Who was this TVA Employee mentioned by Mr. MCBREARTY?

Also, do you or Mr. McBrearty have any contact information for the following individuals:

Ed Schrull - TVA Regulatory Affairs Licensing Group
Manager
Terri M. CONNER, Manager, Regulator Affairs,
Alesia Cox JUSTICE, Management Analysis

Thanks!

Scott K. Luiña, Senior Special Agent
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From: Alan Kabat <kabat@bernabeipllc.com>
Sent: Friday, December 14, 2018 2:09 PM
To: Luina, Scott <Scott.Luina@nrc.gov>
Cc: Michael McBrearty <>
Subject: [External_Sender] RE: McBrearty / TVA

Dear Mr. Luina,

Attached please find Mr. McBrearty's response to TVA's position statement, which I am providing to you as it has additional information on his protected disclosures at TVA and TVA's retaliation against him.

Sincerely,

Alan

Alan R. Kabat
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From: Alan Kabat
Sent: Wednesday, September 26, 2018 11:53 AM
To: 'Scott.luina@nrc.gov' <Scott.luina@nrc.gov>
Cc: 'Michael McBrearty' <>
Subject: McBrearty / TVA

Dear Mr. Luina,

Greetings. On behalf of Michael McBrearty, attached is the whistleblower retaliation complaint that we filed today with OSHA.

Thank you for your interest,

Alan

Alan R. Kabat
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