

January 18, 2000

Tennessee Valley Authority
ATTN: Mr. J. A. Scalice
Chief Nuclear Officer and
Executive Vice President
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: DEPARTMENT OF LABOR (DOL) CASES: JAMES P. PARKER V. TENNESSEE VALLEY AUTHORITY (99-ERA-13) AND JAMES P. PARKER V. STONE AND WEBSTER (2000-ERA-2)

Dear Mr. Scalice:

On December 22, 1998, the NRC's Office of Investigations (OI) initiated an investigation to determine if Mr. James P. Parker, a Stone and Webster Engineering Corporation (SWEC) employee, was subject to discrimination due to voicing safety concerns at Tennessee Valley Authority's (TVA) Browns Ferry Nuclear Plant. The OI investigation, case No. 2-1998-028, was completed on October 29, 1999. The investigation did not substantiate the allegation that Mr. Parker was the victim of employment discrimination.

On December 7, 1998, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) in Washington, D.C. received Mr. Parker's complaint alleging discrimination against TVA. OSHA issued a decision in the case concluding that Mr. Parker was never an employee of TVA. A complaint against SWEC was subsequently opened and investigated. On September 30, 1999, OSHA completed its investigation and concluded that the complainant failed to establish that he had engaged in protected activity as described under the Energy Reorganization Act. On July 30, and December 22, 1999, an Administrative Law Judge issued an Order granting TVA's and SWEC's motions for summary judgement, respectively. At this time, decisions on these cases are pending before the Administrative Review Board. The staff will hold its judgement on whether or not enforcement action is warranted in this matter until after an adjudicatory decision by the DOL.

We are providing the parties involved in the DOL hearing the results of the OI investigation. A copy of the synopsis of the OI report is enclosed. You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Request under the FOIA should be made in accordance with 10 CFR 9.23. Request for Records.

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TVA

Should you have any questions regarding this case, you may contact me at 404-562-4421.

Sincerely,

*Original Signed
by Anne T. Boland*

~~Anne T. Boland, Enforcement Officer
Enforcement and Investigations
Coordination Staff~~

Enclosure: Synopsis of OI Report No. 2-98-028

cc: Mr. Michael T. McNerny
Senior Attorney
Stone and Webster Engineering
Corporation
3402 D. Highway 20
Decatur, AL 35601

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations, initiated this investigation on December 22, 1998, to determine if a Tennessee Valley Authority contract employee was the victim of employee discrimination due to voicing nuclear safety concerns.

The evidence developed during this investigation did not substantiate the allegation that this individual was the victim of employee discrimination.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF~~ Approved for release
~~FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~ on 1/6/00

TVA

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