



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

**REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

January 12, 2001

EA-99-234

Tennessee Valley Authority
ATTN: Edward J. Vigluicci, Esq.
Senior Attorney
400 West Summit Hill Drive
Knoxville, TN 37902-1499

**SUBJECT: REQUEST FOR NRC OFFICE OF INVESTIGATIONS INTERVIEW
TRANSCRIPT**

Dear Mr. Vigluicci:

This responds to your telephone conversation of January 4, 2001, and your follow up letter of January 5, to Anne T. Boland, Enforcement Officer, Nuclear Regulatory Commission (NRC), Region II. In your letter and during the January 4 telephone conversation with Ms. Boland, you requested the release of additional information from an interview transcript that you identified as Office of Investigations (OI) Report No. 2-1998-013, Exhibit 8. A redacted version of the referenced OI Report and associated exhibits was previously provided to Tennessee Valley Authority (TVA) by letter dated December 7, 2000, in response to TVA's request related to a Notice of Violation and Proposed Imposition of Civil Penalty (Notice), EA-99-234, issued on February 7, 2000. You indicated that based on your reading of the investigative material and this transcript, you believed that the identity of the interviewee whose testimony is documented in for Exhibit 8 is an individual who has recently filed a Department of Labor discrimination complaint against TVA. You stated that release of the balance of information that was redacted from this transcript is necessary in order for TVA to properly defend against this discrimination complaint and in order to respond to the Notice.

In response to your request, the investigative material that was compiled and released in association with OI Investigation No. 2-1998-013 was again evaluated including Exhibit 8. OI neither confirms nor denies that the testimony set forth in Exhibit 8 is the testimony of the individual you referenced. The redacted information consists primarily of privacy information of the type that is generally withheld from disclosure under Freedom of Information Act (FOIA) Exemptions 6 and 7C. There was no redacted testimony relating to the ongoing or anticipated DOL proceedings of others or the merit of any such proceedings. Moreover, we note as a practical matter, that TVA would not be entitled to statements or allegations of discrimination made by individuals to OI during the pendency of either an OI or DOL investigation into such matters. Given the nature of the information withheld from Exhibit 8, i.e., personal privacy, and the fact that only a small amount of this kind of information was redacted from this exhibit, we are of the view that TVA has sufficient information from which to develop a response to the Notice in EA-99-234. For all the foregoing reasons, and after coordination with other NRC staff offices, TVA's request for additional information is denied.

If you have any questions regarding this matter, you may contact me at 404-562-4870 or Anne T. Boland at 404-562-4421.

This letter, as well as a redacted version of TVA's January 5, 2001 letter, will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

William J. McNulty, Field Office Director
Region II
Office of Investigations

cc:

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E. Vigluicci

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