



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

VIA FAX AND REGULAR MAIL

January 5, 2000

Anne T. Boland
Enforcement Officer
U. S. Nuclear Regulatory Commission
Region II
61 Forsyth Street, SW Suite 23T85
Atlanta, Georgia 30303

Dear Ms. Boland:

REQUEST FOR NRC OFFICE OF INVESTIGATIONS (OI) INTERVIEW
TRANSCRIPT

This confirms the January 4, 2001, conversation between you, on behalf of the Nuclear Regulatory Commission (NRC), and Brent Marquand and me, both from TVA's Office of the General Counsel. As you know, on December 7, 2000, NRC provided, at TVA's request, a large amount of investigative material associated with OI's investigation of Gary Fiser's retaliation complaint. Part of that material included the transcript of a December 18, 1998, interview conducted at TVA's Lookout Place Building in Chattanooga, Tennessee, between OI's investigator [REDACTED] and an individual whose name and other personal identifiers were redacted (Exhibit 8). Portions of the interview questions and answers were also redacted. From our reading of the investigative material, including this interview transcript, it appears that the interviewee was [REDACTED]

During our January 4 conversation, Mr. Marquand and I explained that TVA is defending against a Department of Labor (DOL) complaint recently filed by [REDACTED] alleging retaliation by TVA for his support of Mr. Fiser in his retaliation complaint. Specifically, [REDACTED] states that "acts of retaliation" were "initiated by TVA" after his December 1998 interview by [REDACTED]. His DOL complaint also claims that [REDACTED] made specific statements during the interview about the merits of a potential complaint against TVA. We think it is important that TVA be able to review the full, unredacted interview transcript to properly defend against [REDACTED] complaint. Also, [REDACTED] made

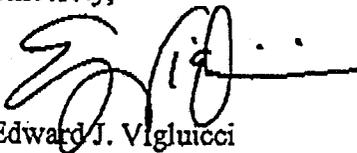
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the statements attributed to her by [REDACTED], that would raise serious questions about the objectivity and judgment of the investigator who was responsible for issuing the report on the Fiser complaint.

We understand that it is the NRC's policy to protect the identity of an individual who reports safety or wrongdoing concerns. We believe, however, that [REDACTED] waived any protection of his identity or any protection regarding the statements made in the course of that interview by filing a DOL complaint which cites that specific interview as a motivating factor in TVA's alleged discrimination against him. Moreover, it is clear that OI relied upon the interview identified as Exhibit 8 in its finding of discrimination against TVA in the Fiser case. Unless TVA is afforded the opportunity to review that full transcript, we will be unable to fully address [REDACTED] DOL complaint. Likewise, without the full transcript, we cannot address the questions raised by [REDACTED] complaint about OI's objectivity in investigating the Fiser case. Accordingly, we request that TVA be provided a full unredacted copy of the Exhibit 8 interview transcript in order for us to be able to respond to the NRC's Notice of Violation and Proposed Imposition of Civil Penalty in the Fiser case and to properly defend against [REDACTED] DOL complaint.

Because the preparation of TVA's response to the NOV is dependent, in part, on the disposition of this matter, we would appreciate your prompt consideration of this request. Please do not hesitate to call me at (865) 632-7317 if you have any questions or need any further information which will assist you in considering this matter.

Sincerely,



Edward J. Viglucci
Senior Attorney