

July 3, 2001

Ms. Lynne Bernabei
Bernabei & Katz
1773 T Street, N.W.
Washington, D.C. 20036

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW., Suite 600
Washington, D.C. 20006

Dear Ms. Bernabei and Mr. Lochbaum:

I am responding to your May 4, 2001, letter to me concerning the Tennessee Valley Authority (TVA) senior management's treatment of managers and supervisors who had a role in adverse employment actions against employees for raising safety issues at nuclear reactor plants operated by TVA. You discuss three cases that have been filed with, and adjudicated by, the U.S. Department of Labor (DOL) over the past 5 years. You state a concern that TVA actually promoted the supervisors involved in these three cases rather than disciplining or terminating them.

You requested that I take a personal interest in one specific DOL case currently being considered by the NRC Staff for possible enforcement action and I will do so. Because the Staff is still considering this case, it would be inappropriate for me to comment on it. Concerning the other two DOL cases referenced in your letter, I understand that the NRC took escalated enforcement action following the DOL decision in one of the cases, including issuing a civil penalty and prohibiting an individual from NRC activities for a period of 5 years. In the other case, the staff concluded after investigation that there was insufficient evidence to substantiate the allegation of discrimination. I recognize the importance of continued monitoring by the NRC of the nuclear industry to ensure that employees of all nuclear licensees feel free to raise nuclear safety concerns.

As you requested, a copy of your letter has been provided to the Inspector General for whatever action, if any, he deems appropriate.

Sincerely,

/RA/

Richard A. Meserve