



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

July 9, 2001

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: COMPLAINT OF DISCRIMINATION - DEPARTMENT OF LABOR CASE NOS.  
97-ERA-26 AND 97-ERA-50

Dear Mr. Scalice:

By letter dated March 5, 1998, the Nuclear Regulatory Commission (NRC) informed you of the results of an investigation conducted by the Office of Investigations (OI) into complaints of discrimination by a former Watts Bar employee. Based on the evidence developed during the investigation, OI did not substantiate discrimination. A synopsis to OI Report No. 2-1996-047 was enclosed in our March letter. At that time, the subject Department of Labor (DOL) cases related to this same issue were before the DOL Administrative Law Judge (ALJ) for hearing; therefore, we informed you that the NRC would withhold its decision on whether or not enforcement action was warranted until after an adjudicatory proceeding by the ALJ.

On January 18, 2001, the DOL ALJ issued an "Agreed Order of Dismissal. This action approved the settlement between TVA and the complainant, and was the final action of DOL in the matter, as no appeals to the DOL Administrative Review Board were filed.

Based on the settlement in this case prior to a final DOL determination on the merits, NRC review of the settlement with respect to the provisions of 10 CFR 50.7(f), and the NRC OI's conclusion in the case, we plan no further action regarding this matter.

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

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Public 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).

TVA

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If you have any questions regarding this letter, please contact me 404-562-4421.

Sincerely,

**/RA**

Anne T. Boland  
Enforcement Officer

Docket Nos. 50-390, 50-391  
License No. NPF-90 and Construction  
Permit No. CPPR-92

TVA

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