



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303

July 2, 1997

EA 97-337

Tennessee Valley Authority
ATTN: Mr. Oliver D. Kingsley, Jr.
President, TVA Nuclear and
Chief Nuclear Officer
6A Lookout Place
1101 Market Street
Chattanooga, Tennessee 37402-2801

SUBJECT: COMPLAINT OF ALLEGED DISCRIMINATION

Dear Mr. Kingsley:

On January 17, 1997, the U. S. Department of Labor's Wage and Hour Division in Knoxville, Tennessee, received a complaint from a former employee of Tennessee Valley Authority (TVA), Mr. Curtis C. Overall. Mr. Overall alleged that he was subjected to a reduction-in-force and ultimately terminated from employment at the Watts Bar Nuclear Plant on September 30, 1996, because he had raised safety issues regarding ice condenser ice basket screws at the plant. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated June 13, 1997, the Assistant Area Director of the Wage and Hour Division issued a decision in the case. The Assistant Area Director found that Mr. Overall was a protected employee and was discriminated against in that his termination was directly linked to the nuclear safety concerns he raised.

Based on this information, the NRC is concerned that a violation of the employee protection provisions set forth in 10 CFR 50.7 may have occurred and that the actions taken against Mr. Overall may have had a chilling effect on other licensee or contractor personnel.

Accordingly, pursuant to Sections 161c, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether your license should be modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that describes:

1. Your position regarding whether the actions affecting this individual violated 10 CFR 50.7 and the basis for your position, including the results of any investigations you may have conducted to determine whether a violation occurred; and
2. Action you have already taken or plan to take to assure that this matter is not having a chilling effect on the willingness of other employees to

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raise safety and compliance concerns within your organization and, as discussed in NRC Form-3, to the NRC.

We recognize that you may not believe that unlawful discrimination has occurred. Regardless of your answer to Item 1 above, we request that you consider the need to address the possible chilling effect that an ongoing issue of this type may have on other employees.

Your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room (PDR). If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the PDR.

Sincerely,

Original Signed by
Bruce S. Mallett

Luis A. Reyes
Regional Administrator

Docket Nos. 50-390, 50-391
License Nos. NPF-90, CPPR-92

cc: See Page 3

TVA

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cc:

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NRC Resident Inspector
 U.S. Nuclear Regulatory Commission
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