



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 ATLANTA FEDERAL CENTER
 61 FORSYTH STREET, SW, SUITE 23T85
 ATLANTA, GEORGIA 30303-3415

MEMORANDUM TO: George A. Mulley, Jr.
 Acting Assistant Inspector General for Investigations
 Office of the Inspector General (OIG)

FROM: *Jon R. Johnson*
 Jon R. Johnson, Deputy Regional Administrator

SUBJECT: STATUS OF ALLEGATIONS OF HOSTILE WORK
 ENVIRONMENT AT TVA'S WATTS BAR NUCLEAR POWER
 PLANT

This is to follow-up on a previous memorandum from Anne T. Boland of my staff to you dated January 29, 1999, in which you were advised of the status of allegations related to a hostile work environment at Tennessee Valley Authority's (TVA) facilities. These allegations involve Region II receipt of verbal and written communications with [REDACTED]

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Previously, we informed you that we opened allegation numbers RII-1998-A-0121 and RII-1998-A-0140 for follow up [REDACTED] concerns on threats received by a TVA Watts Bar employee and action taken against another TVA employee for raising safety concerns associated with tritium production at Bellefonte. The Office of Investigations (OI) opened investigations on these two allegations, case numbers 2-98-019 and 2-98-021, respectively.

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As of the date of this memorandum, the OI investigation regarding case number 2-98-019 still remains open. The matter associated with allegation number RII-1998-A-0140 and OI case number 2-98-021 has been closed. The staff has completed their review of OI findings with issuance of closure letters forwarding the OI synopsis [REDACTED] to the licensee dated March 5, 1999. Copies of these letters are provided as Attachments 1 and 2. The allegation that the TVA employee was discriminated against for reporting safety concerns about tritium production at the Bellefonte facility was not substantiated.

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On February 11, 1999, OI held an interview with the individual who received threats at TVA's Watts Bar Nuclear Plant and at his residence. The OI interview focused on technical issues and threats received by the individual. During this interview, the individual submitted a typed two page statement concerning Region II actions. A copy of the individual's February 11, 1999, prepared statement is provided as Attachment 3 for your information and action, as deemed appropriate. You should be aware that Region II also reviewed this correspondence for any new technical issues at an Allegation Review Board conducted on March 30, 1999. As a result, an additional technical issue was identified regarding Problem Evaluation Report number 980823 which will be inspected by the staff. This new issue will be tracked under allegation number RII-1998-A-0168.

In summary, the allegation of threats received by the TVA employee remains open. We will provide you a periodic status of this allegation, if necessary, and a final disposition once OI and the staff have completed their review.

Information in this record was deleted
 in accordance with the Freedom of Information
 Act, exemptions 7c
 FOIA- 2001-0012

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 AN ALLEGER

2/11

G. Mulley

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Should you have any questions or if you would like to discuss this matter further, please contact Anne T. Boland of my staff at 404-562-4421 or if you prefer, please call me at 404-562-4411.

Attachments:

1. Copy of NRC letter to the Allegor dated March 5, 1999
2. Copy of NRC letter to TVA dated March 5, 1999
3. Copy of February 11, 1999, Prepared Statement from Concerned Individual

cc w/attachments:

L. McClam, OIG

ATTACHMENT 1



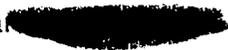
UNITED STATES
NUCLEAR REGULATORY COMMISSION
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ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23TB5
ATLANTA, GEORGIA 30303-3415

March 5, 1999

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SUBJECT: ALLEGATION NO. RII-1998-A-0140

Dear 

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Thank you for your letter of October 14, 1998, to Mr. Luis Reyes, Regional Administrator, Nuclear Regulatory Commission (NRC), Region II, in which you requested that the NRC investigate an allegation of a hostile work environment at the Tennessee Valley Authority (TVA). Your allegation involved a TVA employee who was allegedly under investigation by TVA's Office of the Inspector General (OIG) and escorted from the workplace by TVA police for using TVA's electronic mail system to advocate that TVA employees attend a Department of Energy hearing and speak out against the tritium production project at TVA's Bellefonte facility.

Enclosed for your information is the synopsis of the NRC's Office of Investigations (OI) completed report regarding this matter. OI did not substantiate the allegation that the TVA employee was discriminated against for reporting safety concerns about tritium production at the Bellefonte facility. 10 CFR 50.7, Employee Protection, prohibits discrimination by a Commission licensee against an employee for engaging in protected activities. The NRC concluded that TVA's actions did not violate the requirements of 10 CFR 50.7.

Absent a discriminatory act by TVA as defined in 10 CFR 50.7 and based on the facts of this case, the NRC is unable to conclude that a hostile work environment exists at TVA. However, the NRC reviewed this matter because of the potential negative perception other TVA employees may have developed as a result of TVA's initial response in addressing this issue with the employee and its impact on a safety conscious work environment at TVA. Those matters were discussed with senior TVA management following the completion of OI's investigation, as documented in a March 5, 1999, letter from Mr. Luis Reyes, Regional Administrator, Region II, to Mr. J. A. Scalice, Chief Nuclear Officer and Executive Vice President, TVA. A copy of this letter is provided for your information as Enclosure 2.

Certified Mail Number: P 282 390 417
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The NRC plans no further action in this matter. You should also be aware as a point of clarification that TVA's OIG did not initiate an investigation into this matter. Should you have any questions concerning this letter, please contact me at 404-562-4421.

Sincerely,

Anne T. Boland
Region II Enforcement Officer

- Enclosures: 1. Investigative Synopsis
 OI Case No. 2-1998-021
 2. NRC letter to TVA

Certified Mail Number: P 282 390 417
RETURN RECEIPT REQUESTED

SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), initiated this investigation on October 16, 1998, based on an allegation from a source, that a Tennessee Valley Authority employee was discriminated against for reporting safety concerns about tritium production at the Bellefonte Nuclear Plant.

Based upon OI review and evaluation of the evidence, in coordination with regional counsel, the evidence developed did not substantiate the allegation.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF
FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

Case No. 2-1998-021

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*Approved for
Release on
March 1, 1999*

ATTACHMENT 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-3415

March 5, 1999

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: BELLEFONTE NUCLEAR PLANT: ALLEGED DISCRIMINATION
(OFFICE OF INVESTIGATIONS CASE NUMBER 2-1998-021)

Dear Mr. Scalice:

Enclosed for your information is the synopsis of the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed report regarding alleged discrimination by the Tennessee Valley Authority against an individual who raised a concern regarding potential activities at the Bellefonte Nuclear Plant. As I discussed with you on March 5, 1999, the NRC reviewed this issue because of the potential negative perception other TVA employees may have developed as a result of TVA's initial response in addressing this matter with the employee.

OI determined that there was insufficient evidence to substantiate the allegation of discrimination. We plan no further action with regard to this matter. Should you have any questions concerning this letter, please contact us.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the Public Document Room,

Sincerely,

for 
Luis A. Reyes
Regional Administrator

Docket Nos. 50-327, 50-328
50-259, 50-260, 50-296
50-390, 50-391
License Nos. DPR-77, DPR-79
DRP-33, DPR-52, DPR-68
NPF-90, CPPR-92

Enclosure: Investigative Synopsis
OI Case No. 2-1998-021

SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), initiated this investigation on October 16, 1998, based on an allegation from a source, that a Tennessee Valley Authority employee was discriminated against for reporting safety concerns about tritium production at the Bellefonte Nuclear Plant.

Based upon OI review and evaluation of the evidence, in coordination with regional counsel, the evidence developed did not substantiate the allegation.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF
FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

Case No. 2-1998-021

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*Approved for
Release on
March 1, 1999*

ATTACHMENT 3

Hold for Transcripts

Page 1 of 2

February 11, 1999

Prepared Statement
of
Curtis Overall

I respectfully request that the following statement become a part of the official record :

The issues we have discussed here today would not have escalated to the level that we see today if the Nuclear Regulatory Commission's Region II and the Tennessee Valley Authority had each performed their job.

I believed and trusted the system and was convinced that it would work. As so many I was fooled. Region II NRC could have performed their investigation in a questioning and invasive manner and asked for proof, not sat at their desks in Atlanta and made telephone calls over such a serious matter. Trusting the word of the utility without verification and taking their word at face value while apparently giving them encouragement to continue the cover up of a safety issue does not give me the feeling that I should trust the NRC much less TVA.

NRC Region II could have stopped the actions taken against me and my family if they had taken the proper steps against TVA.

Region II, you forced me to take my issues to your Inspector General's Office to get help after multiple requests to perform more extensive investigations based on the evidence I gave to you. I saw that it was falling on deaf ears.

Watts Bar Nuclear Plant has more missing and broken ice basket screws, and apparently no attempt has been taken to determine where they are missing from; i.e., approximately 200 screws have been documented to date. Now another Problem Evaluation Report (PER) has been written (WBPER 980823) documenting 12 more screws which were obviously found during the last outage (October 1997). I do not have knowledge of the corrective actions that will be performed from this PER.

I can only imagine based on the last one in April of 1995. Region II I suspect that you will react in the same manner that you did about the issues that I identified to you in 1996. The bigger question and issue that I do not know the answer to is : why did TVA wait for almost 9 (Nine) months to identify this problem on the PER. I don't know but I suspect that Region II knows. Save our butts, TVA!

So now where do we stand. Well, D. C. Cook in Region III has been shut down now for a substantial time and apparently that will continue. Cook's problems spawned from my allegations at WBN. NRC Region II turned a blind eye to the problem, while performing a very minimal look at my issue here at WBN and Sequoyah (SQN).

Region III substantiated my concerns and Region II blew me off. Why? I don't know. I have tried very hard to communicate with Region II to give details, clarify and have

continued

page 2 of 2

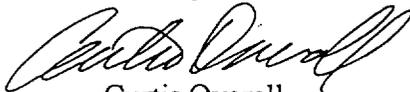
Prepared statement of Curtis Overall, 2-11-99

taken insults from investigators, in an open and honest attempt to provide information to support Region II's so-called investigations. Cooperating with Region II has been a major mistake. Region II you have totally ignored the problems at SQN. Why? They are much worse than WBN and probably as bad as Cook.

Do we sit here and wait for an accident to happen to determine the true extent of conditions at WBN and SQN? It appears that is what is going to happen.

I haven't done anything wrong. I simply did my job. I am the one being punished. And NRC it seems to me that you are in cahoots with TVA to cover this problem up. You sure aren't doing your job.

Thank you

A handwritten signature in cursive script, appearing to read "Curtis Overall".

Curtis Overall
(address withheld)