



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

September 24, 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: DEPARTMENT OF LABOR (DOL) CASE NUMBER 2001-ERA-031
WATTS BAR NUCLEAR PLANT - DISCRIMINATION AGAINST A CONTRACT
SECURITY GUARD FOR RAISING CONCERNS: ALARM CLEARANCE
(OFFICE OF INVESTIGATION CASE NUMBER 2-2000-034)**

Dear Mr. Scalice:

Enclosed for your information is the synopsis to the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed investigation regarding alleged discrimination by Tennessee Valley Authority (TVA) against a former Watts Bar Nuclear Plant employee. The individual was allegedly laid-off for raising safety concerns. The OI investigation (OI Report No. 2-2000-034) was completed on April 12, 2001. OI determined that the evidence in this investigation did not substantiate the allegation of discrimination.

On January 3, 2001, the individual also filed a complaint with the U. S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA) against TVA. DOL initiated an investigation on March 15, 2000. On June 28, 2001, the NRC received notification from the OSHA Deputy Regional Administrator of the DOL investigative results dated June 15, 2001, which concluded that the complaint had no merit. The complainant subsequently appealed the decision and action is pending before a DOL Administrative Law Judge (ALJ). The staff will hold its judgement on whether or not enforcement action is warranted in this matter until after an adjudicatory decision by a DOL ALJ.

We are providing the parties involved in the DOL hearing the results of the OI investigation. A copy of the synopsis of the OI report is enclosed. You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records.

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

Should you have any questions regarding this letter, please feel free to contact me at (404) 562-4421.

Sincerely,

/RA/

Anne T. Boland, Enforcement Officer
Enforcement and Investigation
Coordination Staff

Docket No. 50-390
License No. NPF-90

Enclosure: Synopsis to OI Case No. 2-2000-034

cc w/encl:
William R. Lagergren
Site Vice President
Watts Bar Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Distribution w/encl:

M. Padovan, NRR

O. DeMiranda, RII (RII-2000-A-0149)

A. Boland, RII

OFFICE	RII:EICS	RII:DRP	RII:DRS				
SIGNATURE	/RA/	/RA/	/RA/				
NAME	OdeMiranda	KBarr	PFredrickson				
DATE	9/24/2001	9/24/2001	9/24/2001	9/ /2001	9/ /2001	9/ /2001	9/ /2001
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

DOCUMENT NAME: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\OI Release TVA.wpd

SYNOPSIS

The Office of Investigations, U.S. Nuclear Regulatory Commission, Region II, initiated this investigation on December 12, 2000, following a complaint by a contract security guard at the Watts Bar Nuclear Plant, a Tennessee Valley Authority (TVA) facility, that he was fired for raising concerns regarding improper responses to security alarms.

The evidence gathered during this investigation did not substantiate the allegation that TVA illegally discriminated against the employee for reporting safety concerns.

Approved for release on September 5, 2001