

April 17, 2002

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|---|---|--------------------------------------|
| In the Matter of |) | |
| |) | Docket Nos. 50-390-CivP; 50-327-CivP |
| TENNESSEE VALLEY AUTHORITY |) | 50-328-CivP; 50-259-CivP |
| (Watts Bar Nuclear Plant, Unit 1 |) | 50-260-CivP; 50-296-CivP |
| Sequoyah Nuclear Plant, Units 1 & 2 |) | |
| Browns Ferry Nuclear Plant, Units 1,2 &3) |) | |
| |) | ASLBP No. 01-791-01-CivP |
| |) | |
| |) | EA 99-234 |

JOINT STIPULATION BETWEEN
TENNESSEE VALLEY AUTHORITY AND NRC STAFF

Pursuant to the Atomic Safety and Licensing Board's (Board) Fifth Telephone Prehearing Conference on April 9, 2002, the Nuclear Regulatory Commission (NRC) Staff and the Tennessee Valley Authority hereby file this joint stipulation regarding the legal opinion of Carolyn Evans in the 1993 Office of Investigations (OI) report of Gary Fiser's 1993 Department of Labor complaint. The parties hereby stipulate that:

1. Carolyn Evans is the Regional Counsel for NRC Region II in Atlanta, Georgia and was serving in that capacity at the time Region II OI issued its report on the alleged discrimination against Gary Fiser by TVA as asserted in his 1993 complaint. Evans is not in the Office of the General Counsel.

2. In her role as Regional Counsel, Evans reviewed the "Sequence of Events" and TVA Office of the Inspector General (OIG) Report of Interview provided to Region II OI in its investigation of the 1993 Fiser complaint.

3. Based on her review of those two documents, Evans opined that Fiser had not engaged in protected activity and concluded "that there were performance based issues with Mr. Fiser nothing more."

JX67

CLEAR REGULATORY COMMISSION

Casual No. _____ Official Ex. No. Joint 6.7

In the matter of TVA

Staff _____ IDENTIFIED _____

Applicant _____ RECEIVED ✓ April 25

Intervenor _____ REJECTED _____

Other _____ WITHDRAWN _____

DATE 9-13-02 Witness _____

Clerk R. DAVIS

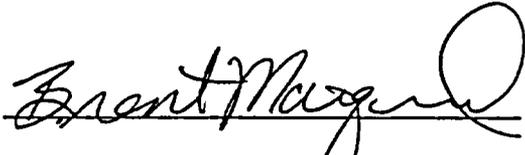
2003 MAR -4 PM 3:40
OFFICE OF THE SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

DOCKETED
USNRC



4. The April 12, 1995 memorandum from Carolyn Evans to William McNulty titled "Review of Documents (Case No. 2-93-068), attached to this joint stipulation, is an authentic NRC document signed by Evans.

We agree to the foregoing matters for purposes of this proceeding only.


For Tennessee Valley Authority


For NRC Staff 4/23/02



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

W

April 12, 1995

MEMORANDUM TO: William J. McNulty, Director
Office of Investigations Field Office, RII

FROM: Carolyn F. Evans, Regional Counsel

SUBJECT: REVIEW OF DOCUMENTS (CASE NO. 2-93-068)

I have reviewed an 85 page document entitled "Sequence of Events" and a TVA Inspector General Report of Interview of Gary Fiser. On the basis of this review, I could not conclude that Mr. Fiser was pursuing an underlying safety issue or other concern such that his demotion and subsequent RIF were a consequence of his having engaged in "protected activity". The "Sequence of Events" document and the TVA IG Report of Interview seem to reflect that there were performance based issues with Mr. Fiser nothing more.

SEARCHED
SERIALIZED

EXHIBIT 20
PAGE 1 OF 1 PAGE(S)

CASE NO. 2 - 93 - 068

BE000225