

December 28, 1995

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

SUBJECT: DENIAL OF REQUEST TO WITHHOLD INFORMATION (TAC NO. M72494)

Daer Mr. Kingsley:

By letter dated October 23, 1995, TVA provided information regarding actions it has undertaken as a result of Department of Labor (DOL) Case No. 95-ERA-20 (*Robert O. Klock v. TVA & United Energy Services Corporation*). TVA requested the staff to withhold Enclosure 1 of that letter from public disclosure pursuant to 10 CFR 2.790(a)(6) and (7). Upon the NRC's request of November 7, 1995, TVA provided additional information on December 4, 1995, to justify the request.

The NRC Office of Nuclear Reactor Regulation (ONRR) and Office of Enforcement (OE) have carefully reviewed the request and have consulted with the Office of the General Counsel (OGC) on this matter. ONRR, OE and OGC have determined that all of the information contained in Enclosure 1 was derived from the referenced DOL case. All complaints and hearing transcripts of DOL cases filed under whistleblower statutes are publicly available. Therefore, we have concluded that none of the information contained in Enclosure 1 will be withheld from the public.

Due to our determination, we intend to place the subject document in the NRC Public Document Room (PDR) and Local PDR within 30 days of the date of this letter. If you have any questions, please do not hesitate to contact us.

Sincerely,

Original signed by
Peter S. Tam, Senior Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

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cc:

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

Mr. O. J. Zeringue, Sr. Vice President
Nuclear Operations
Tennessee Valley Authority
3B Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Dr. Mark O. Medford, Vice President
Engineering & Technical Services
Tennessee Valley Authority
3B Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Mr. D. E. Nunn, Vice President
New Plant Completion
Tennessee Valley Authority
3B Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Mr. J. A. Scalice, Site Vice President
Watts Bar Nuclear Plant
Tennessee Valley Authority
P.O. Box 2000
Spring City, TN 37381

General Counsel
Tennessee Valley Authority
ET 11H
400 West Summit Hill Drive
Knoxville, TN 37902

Mr. P. P. Carrier, Manager
Corporate Licensing
Tennessee Valley Authority
4G Blue Ridge
1101 Market Street
Chattanooga, TN 37402-2801

Mr. B. S. Schofield
Site Licensing Manager
Watts Bar Nuclear Plant
Tennessee Valley Authority
P.O. Box 2000
Spring City, TN 37381

TVA Representative
Tennessee Valley Authority
11921 Rockville Pike
Suite 402
Rockville, MD 20852

Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW., Suite 2900
Atlanta, GA 30323

Senior Resident Inspector
Watts Bar Nuclear Plant
U.S. Nuclear Regulatory Commission
1260 Nuclear Plant Road
Spring City, TN 37381

The Honorable Robert Aikman
County Executive
Rhea County Courthouse
Dayton, TN 37321

The Honorable Garland Lanksford
County Executive
Meigs County Courthouse
Decatur, TN 37322

Mr. Michael H. Mobley, Director
Division of Radiological Health
3rd Floor, L and C Annex
401 Church Street
Nashville, TN 37243-1532

Ms. Michelle Neal
Energy Project
The Foundation for
Global Sustainability
P.O. Box 1101
Knoxville, TN 37901

Ms. Ann Harris
305 Pickel Road
Ten Mile, TN 37880

Ms. Beth Zilbert, Energy Campaigner
Greenpeace
20 13th Street, NE.
Atlanta, GA 30309

Mr. James P. Riccio
Public Citizen
4340 Georgetown Square, #612
Atlanta, GA 30338