

Official

DEC 17 1993

Docket Nos. 50-390 and 50-291
License Nos. CPPR-91 and CPPR-92

Tennessee Valley Authority
ATTN: Dr. Mark O. Medford
Vice President, Technical Support
3B Lookout Place
1101 Market Street
Chattanooga, Tennessee 37402-2801

Gentlemen:

SUBJECT: COMPLAINT OF ALLEGED DISCRIMINATION

On June 10 and August 26, 1993, the U.S. Department of Labor's Wage and Hour Division in Nashville, Tennessee, received complaints from an employee of the Tennessee Valley Authority's Watts Bar Nuclear Plant. The employee alleged that he had been subjected to continuous and deliberate acts of intimidation and harassment as a result of raising safety concerns while performing his duties at the Watts Bar Nuclear Plant. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated December 3, 1993, the District Director of the Wage and Hour Division found that the evidence obtained during the Division's investigation indicated that the employee was engaged in protected activity within the scope of the Energy Reorganization Act and that discrimination as defined and prohibited by the statute was a factor in the actions which comprised his complaint.

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 the employee may have had a chilling effect on other licensee or contractor personnel.

Therefore, you are requested to provide this office, within 30 days of the date of this letter, a response which:

1. Provides the basis for the employment action regarding the employee and includes a copy of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

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. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal

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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).

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 will be placed in the NRC Public Document Room.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Original Signed By:
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

cc: Craven Crowell, Chairman
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