

February 27, 1995

EA 95-032

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

SUBJECT: COMPLAINT OF ALLEGED DISCRIMINATION

Dear Mr. Kingsley:

On August 15 1994, the U.S. Department of Labor's Wage and Hour Division in Knoxville, Tennessee, received a complaint from Mr. Robert O. Klock, a former employee of the United Energy Services Corporation at the Tennessee Valley Authority's Watts Bar Nuclear Plant. Mr. Klock alleged that he was terminated from his employment 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 January 17, 1995, the District Director of the Wage and Hour Division, Nashville, Tennessee, found that the evidence obtained during the Division's investigation indicated that Mr. Klock was engaged in a 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 former employee may have had a chilling effect on other licensee or contractor personnel.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that:

1. Provides the basis for the employment action regarding the former 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.

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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 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,



Stewart D. Ebnetter  
Regional Administrator

cc: Regional Director  
U.S. Department of Labor/ESA  
Wage and Hour Division  
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Atlanta, GA 30367

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U.S. Department of Labor/ESA  
Wage and Hour Division  
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cc cont'd: (See page 3)

Tennessee Valley Authority

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cc cont'd:

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Rhea County Courthouse  
Dayton, TN 37321

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

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NRC Resident Inspector  
 U.S. Nuclear Regulatory Commission  
 Route 2, Box 700  
 Spring City, TN 37381

\*SEE PREVIOUS CONCURRENCE PAGE

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