

April 25, 1995

Mr. Larry L. Jackson  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: ENFORCEMENT DECISION CONCERNING APPARENT VIOLATIONS OF  
10 CFR 50.7, EMPLOYEE PROTECTION AND 10 CFR 50.5,  
DELIBERATE MISCONDUCT  
(Office of Investigations Case No. 2-93-057R)

Dear Mr. Jackson:

The purpose of this letter is to convey the Nuclear Regulatory Commission (NRC) findings involving apparent violations of 10 CFR 50.5 (Deliberate Misconduct) and 10 CFR 50.7 (Employee Protection) which occurred in January 1993 while you were employed by the Tennessee Valley Authority (TVA). The apparent violations were associated with an employee discrimination complaint filed by a TVA employee with the U.S. Department of Labor on February 16, 1993 and were discussed during enforcement conferences held with you and TVA in the Region II Office in Atlanta, Georgia on February 9, 1995.

Based on additional information obtained from you, TVA, and the TVA Inspector General during the enforcement conferences, we have concluded that there was no violation of 10 CFR 50.7 in this case. Correspondingly, the staff has determined that there was no violation of 10 CFR 50.5, Deliberate Misconduct.

While you have acknowledged your inadequate handling of the situation which led to the filing of the discrimination complaint, you provided a credible explanation that your motive was not to punish the individual for raising a safety concern, but rather to replace him with another manager because he did not meet your expectations as an effective manager of the Chemistry department at TVA's Watts Bar facility. While it is the staff's opinion that the available information does not support enforcement action for a violation of 10 CFR 50.7, we are concerned that your actions could have appeared to be discrimination and could have created a chilling effect on other employees at the Watts Bar plant. Consequently, NRC is reviewing correspondence from TVA on this matter in an attempt to determine whether such a chilling effect exists.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter with your address deleted will be placed in the NRC Public Document Room (PDR).

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TVA

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This concludes our review of this matter. Should you have any questions concerning this letter, please contact us.

Sincerely,



Stewart D. Ebnetter  
Regional Administrator

cc w/home address deleted:  
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NRC Resident Inspector  
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\* J. Gray concurred 4/19/95  
 per telephone call with  
 D. Rosano 4/19/95  
 JJaudon

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