



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

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Mark O. Medford
Vice President, Engineering & Technical Services

OCT 12 1995

Mr. Stewart D. Ebnetter, Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Dear Mr. Ebnetter:

In the Matter of the Application of) Docket Nos. 50-390
Tennessee Valley Authority) 50-391

RECOMMENDED DECISION AND ORDER FROM THE U.S. DEPARTMENT OF LABOR'S
OFFICE OF ADMINISTRATIVE LAW JUDGES - CASE NO. 95-ERA-20

The purpose of this letter is to advise you of the September 29, 1995, recommended decision and order from the Department of Labor's Office of Administrative Law Judges involving a former contract employee at the Watts Bar Nuclear Plant (WBN), Robert O. Klock, and to inform you that TVA is taking prompt action to implement that decision. TVA takes very seriously the matters discussed in the recommended decision and has taken extensive measures to prevent and address all claims of violation of Section 211 of the Energy Reorganization Act.

As you know, TVA fully addressed the circumstances surrounding Mr. Klock's complaint of alleged discrimination in a letter to the NRC dated April 5, 1995. We continue in our belief that Mr. Klock was not discriminated against in violation of Section 211, and we will pursue our position before the Secretary of Labor.

As we also indicated in our letter of April 5, TVA has already taken significant action to address the potential for any chilling effect associated with the complaint. Among other matters discussed within that letter was a description of the Startup & Test organization survey conducted by the Concerns Resolution Staff and the WBN employee survey conducted by TVA's Office of Inspector General (OIG) in June 1994. Both of these surveys demonstrated consistent measures of a healthy work environment at WBN. For your information, it is

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also worth noting that the OIG recently completed another sample survey of TVA and contractor employees at WBN. In its September 1995 report, the OIG concluded that the results of its most recent survey were consistent with the 1994 survey results. Most notably, the report found that 100 percent of the TVA employees interviewed would report nuclear safety or quality problems to management, and that 99.6 percent of contract employees felt free to do so. This, we believe, is current, objective evidence that conditions at the site are extremely positive and indicative of a healthy work environment.

Although TVA does not agree with the subject recommended decision and order, we are also aware that the actions of the manager who made the decision to terminate Mr. Klock could have been interpreted negatively given the timing of the termination and the circumstances surrounding Mr. Klock's removal from the site. Accordingly, we have decided that the manager will receive one-on-one counseling sessions with WBN's Vice President of Site Operations about avoiding any perception of discrimination when taking employment actions. Upon completion of such counseling sessions, the Vice President of Site Operations will make an assessment of the manager's ability to continue carrying out his job responsibilities. The results will be discussed with TVA's Senior Vice President of Nuclear Operations.

We believe we have taken, and will continue to take, appropriate action to address this matter. The enclosure contains the commitments made in this letter. If you have any questions, please feel free to call me at (423) 751-4776.

Sincerely,



Mark O. Medford

Enclosure

cc: See page 3

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cc (Enclosure):

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Browns Ferry Nuclear Plant
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Athens, Alabama 35611

ENCLOSURE

LIST OF COMMITMENTS

1. The manager will receive one-on-one counseling sessions with WBN's Vice President of Site Operations about avoiding any perception of discrimination when taking employment actions.
2. Upon completion of such counseling sessions, the Vice President of Site Operations will make an assessment of the manager's ability to continue carrying out his job responsibilities. The results will be discussed with TVA's Senior Vice President of Nuclear Operations.