



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

March 20, 1996

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Gentlemen:

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

REQUEST FOR OFFICE OF INVESTIGATIONS (OI) REPORT NO. 2-94-026 AND
ASSOCIATED INVESTIGATIVE RESULTS (DEPARTMENT OF LABOR [DOL] CASE
NO. 95-ERA-20)

This letter follows up TVA's letter to the Nuclear Regulatory Commission (NRC) dated March 6, 1996, in which TVA requested the NRC to provide the Secretary of Labor with a copy of the results of a polygraph examination administered in connection with NRC's investigation of the subject case. On March 8, 1996, TVA filed a motion with the Secretary of Labor attaching TVA's March 6 letter to the NRC and asking that the case be remanded to the Administrative Law Judge with directions to allow the record to be supplemented with the results of the polygraph examination. TVA's motion made it clear that the polygraph examination was highly relevant to the issue of whether the TVA manager acted with discriminatory intent when he decided to terminate the complainant's services. The motion also highlighted the fact that allowing the record to be supplemented would further the purposes of the NRC/DOL memorandum of understanding for each agency to "share and promote access to all information it obtains concerning a particular allegation," as well as to promote "administrative efficiency and sound enforcement policies" through "cooperation and timely exchange of information in areas of mutual interest" (47 Fed. Reg. 54585 [Dec. 3, 1982]).

As you know, it is TVA's strong belief that the TVA manager involved in the subject complaint exercised sound business judgment when he decided to terminate the complainant's services, and that his actions were taken without any discriminatory intent. In order for TVA to effectively address this matter in any future proceedings, it is essential that we obtain copies of NRC OI Report No. 2-94-026 and its associated exhibits, including the results of the polygraph examination administered by the Defense Criminal Investigative Service under the direction of OI.

9603280116 960320
PDR ADOCK 05000390
P PDR

2222 110
Per J. Lee

File Center of Ltv
Region II |
NRC PAR |
F Hebdon/WRK |

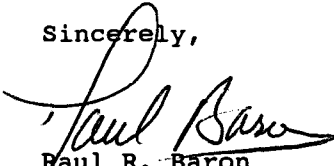
U.S. Nuclear Regulatory Commission

Page 2

March 20, 1996

We would appreciate your prompt consideration of this request. Any questions may be directed to me at (423) 751-2051 or to Edward J. Vigluicci, Office of the General Counsel, at (423) 632-7317.

Sincerely,



Paul R. Baron

General Manager, Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Mr. Peter S. Tam, Senior Project Manager
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

Mr. E. W. Merschhoff, Director
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Mr. G. P. Caputo, Director
Office of Investigations
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

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

cc: Continued on page 3

U.S. Nuclear Regulatory Commission

Page 3

March 20, 1996

cc: Mr. W. J. McNulty
Office of Investigations, Field Office
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Mr. M. S. Lesser, Chief
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Mr. J. Lieberman, Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

NRC Resident Inspector
Watts Bar Nuclear Plant
1260 Nuclear Plant Road
Spring City, Tennessee 37381