

JUL 2 1997

EA 97-336

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 November 22, 1995, the U.S. Department of Labor's (DOL) Wage and Hour Division in Nashville, Tennessee, received a complaint from Scarlett May of Butler, Vines and Babb Attorneys on behalf of Mr. Robert H. Moody, a former employee of Tennessee Valley Authority (TVA). Mr. Moody alleged that he was terminated from employment at the Watts Bar Nuclear Plant on June 28, 1995, in response to reports of safety concerns that he had expressed to TVA prior to his termination. In response to that complaint, the Wage and Hour Division, Knoxville, Tennessee conducted an investigation, and in a letter dated June 13, 1997, the Assistant Area Director of the Wage and Hour Division issued a decision in the case. The Assistant Area Director found that Mr. Moody was a protected employee engaging in a protected activity within the scope of the Energy Reorganization Act and that discrimination was a factor in his employment termination.

Based on this information, 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 Mr. Moody 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 describes:

1. Your position regarding whether the actions affecting this individual violated 10 CFR 50.7 and the basis for your position, including the results of any investigations you may have conducted to determine whether a violation occurred; and

9707310105 970702
PDR ADOCK 05000390
G PDR



1/0

3801

2. Action you have already taken or plan to take to assure that this matter is not having a chilling effect on the willingness of other employees to raise safety and compliance concerns within your organization and, as discussed in NRC Form-3, to the NRC.

We recognize that you may not believe that unlawful discrimination has occurred. Regardless of your answer to Item 1 above, we request that you consider the need to address the possible chilling effect that an ongoing issue of this type may have on other employees.

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 (PDR). 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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 and your response will be placed in the PDR.

Sincerely,



Luis A. Reyes
Regional Administrator

Docket Nos. 50-390, 50-391
License Nos. NPF-90, CPPR-92

cc: See Page 3

cc:

Assistant Administrator
Employment Standards Administration
Wage and Hour Division
U. S. Department of Labor
Room S-3502
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Carol Merchant, Assistant District
Director
Wage and Hour Division
Employment Standards Administration
John Duncan Federal Building
710 Locust St., Room 101
Knoxville, TN 37902

O. J. Zeringue
Senior Vice President
Nuclear Operations
Tennessee Valley Authority
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Jack A. Bailey, Vice President
Engineering & Technical Services
Tennessee Valley Authority
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

J. A. Scalice
Site Vice President
Watts Bar Nuclear Plant
Tennessee Valley Authority
P. O. Box 2000
Spring City, TN 37381

General Counsel
Tennessee Valley Authority
ET 10H
400 West Summit Hill Drive
Knoxville, TN 37902

Raul R. Baron, General Manager
Nuclear Assurance and Licensing
Tennessee Valley Authority
4J Blue Ridge
1101 Market Street
Chattanooga, TN 37402-2801

Pedro Salas, Manager
Licensing and Industry Affairs
Tennessee Valley Authority
4J Blue Ridge
1101 Market Street
Chattanooga, TN 37402-2801

Mr. Paul L. Pace, Manager
Licensing and Industry Affairs
Watts Bar Nuclear Plant
Tennessee Valley Authority
P. O. Box 2000
Spring City, TN 37381

Richard T. Purcell, Plant Manager
Watts Bar Nuclear Plant
Tennessee Valley Authority
P. O. Box 2000
Spring City, TN 37381

County Executive
Rhea County Courthouse
Dayton, TN 37321

County Executive
Meigs County Courthouse
Decatur, TN 37322

Michael H. Mobley, Director
Division of Radiological Health
3rd Floor, L and C Annex
401 Church Street
Nashville, TN 37243-1532

TVA

4

Distribution:

RZimmerman, NRR
 JLieberman, OE
 JGoldberg, OGC
 AHodgdon, OGC
 BKeeling, GPA/CA
 GTracy, OEDO
 RMartin, NRR
 BUryc, RII
 CEvans, RII
 JJohnson, RII
 FHebdon, NRR
 MLesser, RII
 PTaylor, RII
 MStein, OE
 BSummers, OE (2 ltrhd)
 RII DOL File
 PUBLIC

NRC Resident Inspector
 U.S. Nuclear Regulatory Commission
 1260 Nuclear Plant Road
 Spring City, TN 37381

SEND TO PUBLIC DOCUMENT ROOM?		YES		NO	
OFFICE	RII:DRP	RII:DRP	RII:ORA	RII:EMS	RII:ORA
NAME	MLesser	JJohnson	CEvans	BKryc	Bm BMallett
DATE	06 / 30 / 97	06 / 20 / 97	06 / 20 / 97	06 / 20 / 97	06 / 11 / 97
COPY?	YES NO				