



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23785
ATLANTA, GEORGIA 30303-3415

September 4, 1998

Tennessee Valley Authority
ATTN: Mr. Richard T. Purcell
Site Vice President - Watts Bar Plant
P.O. Box 2000
Spring City, TN 37381-2000

SUBJECT: INTIMIDATION OF TENNESSEE VALLEY AUTHORITY (TVA) EMPLOYEE

Dear Mr. Purcell:

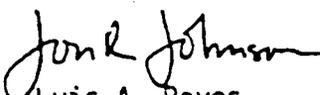
On August 28, 1998, TVA's licensing manager informed the NRC Senior Resident Inspector of an incident involving a TVA employee who received a threatening note via internal TVA mail on August 27, 1998. Although we are not aware of all the facts associated with this incident, the threatening note may have been sent in response to concerns the employee has raised.

The NRC considers retaliation for individuals who raise safety concerns a serious matter, particularly given its potential negative impact on the willingness of employees to freely raise safety concerns at TVA in the future.

We understand that TVA initiated a number of actions in response to the incident. These actions included, 1) immediate notification of the TVA Inspector General, Employee Concerns staff and your Office of General Counsel; 2) initiation of an investigation by the Inspector General; 3) an August 28, 1998, meeting to discuss the significance of the incident and to determine the actions to be taken in response and 4) your issuance of an August 28, 1998, memorandum to site management which discussed TVA's policy of zero tolerance for intimidation in the workplace, and directed management to convey this policy to site employees and to advise you in writing of the manner by which employees were advised of the policy.

We acknowledge the prompt actions you have taken in response to this incident. Please keep us advised of any developments in this case including the outcome of your investigative efforts. If you have any questions regarding this letter, please contact Mrs. Anne T. Boland, Director, Enforcement and Investigations Coordination Staff at (404) 562-4421.

Sincerely,


Luis A. Reyes
Regional Administrator

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Bulletin from Watts Bar

September 10, 1998

Special Message From Rick Purcell, Site Vice President

To All Watts Bar Employees:

We have the reputation among the nuclear power industry and the public of being successful and operating this plant with a safety-first philosophy. That's because we are successful, and safety is our top priority, above everything else.

We had a smooth startup, an outstanding first-year of operation, an excellent Systematic Assessment of Licensee Performance Report from the Nuclear Regulatory Commission. We are setting a new continuous operating record for this site every day now. We are operating and maintaining this plant to the highest of standards, and we are able to do that because of open and honest communications up, down, and across this site.

Unfortunately, our reputation is being challenged because a Watts Bar employee is being harassed for raising safety concerns in the past. We cannot allow this to happen. We have worked too hard. We must have a work environment where employees *feel free to raise safety issues without fear of reprisal*, and we must encourage employees to raise potential safety issues so they can be addressed promptly and effectively. We will not tolerate anything less. It is everyone's responsibility at this site to ensure that such an environment exists.

It is also our responsibility to help resolve this matter if we possibly can. If you have any information or suspicions that might help identify those responsible for the actions being reported in the media, please notify your supervisor, senior site management, the Inspector General, Concerns Resolution, or the NRC.

TVA is concerned about the safety and health of all of its employees. Therefore, we are taking this matter very seriously. The IG is investigating the matter, and we will take appropriate actions based on the outcome of the investigation. I would appreciate your help in this matter. Do what's right—if you have information, please come forward and let's get this matter resolved. Let's keep the reputation we have for being one of the best in the industry, a leader for others.

WBN Plant Meeting

September 15, 1998

Recent Reports Demonstrate the Need to Reinforce TVA's Policy Against Intimidation

- Media reports have recently described attempts to intimidate a WBN employee who had raised safety concerns
- Employee received threats through interoffice mail and notes on door and car at home
- Last Thursday, employee found suspected bomb in truck while shopping, though "bomb" turned out to be hoax
- Each event is being thoroughly investigated by TVA Inspector General
- NRC is being kept closely informed of events and TVA actions

TVA Management Strongly Condemns These Intimidation Tactics

- The motivation behind such attempts to intimidate are difficult to understand; however, if these misguided efforts are being carried out by someone who thinks they are helping WBN - **THEY ARE WRONG**
- These actions undermine the hard work of the WBN team to identify and resolve problems
- These actions severely damage the reputation of WBN that the team has worked so hard to establish. We will not allow that to occur
- Events promptly reported to TVA IG and NRC
- Investigations underway to identify the perpetrators
- Severe action will be taken when perpetrators found

TVA Discipline Policy as Well as Federal and State Laws Provides Appropriate Penalty

- TVA's Policy against Intimidation and Harassment spells out an employees right to raise safety and quality problems through management channels, to the Concerns Resolution Staff, to the Inspector General's Office, and to the NRC
- Those found guilty of violating this policy are subject to disciplinary action, including termination of employment and bar from any future TVA employment.
- Various State and Federal laws also protect individuals from threats to personal well being, and penalties for making threats include fines and imprisonment
- TVA will take disciplinary action on its own and seek to prosecute anyone found guilty of making such threats to the full extent of the applicable laws

Fear of Reprisals Creates Counter Productive “Chilling Effect”

- **Chilling Effect General Definition**

The hesitation or unwillingness of an individual or group of employees to report safety issues because of a perceived fear that doing so will result in reprisals, intimidation, harassment, etc.

- Potential for chilling effect has occurred at other utilities
- Is counterproductive by closing down lines of communication
- Valid issues or concerns could go unaddressed
- Avoiding any type of chilling effect is in Watts Bar’s best interest

What Can the Conscientious Workers of WBN Do?

- Keep an alert eye out for any instances of attempted intimidation of a fellow employee
- Report any information concerning such an event to supervisors, Concerns Resolution, the OIG or NRC
- Continue to promptly raise issues through the PER process
- If you hear negative talk about anyone who raises issues through any of the channels of communication we have discussed do your best to shut it down and report it to your supervisor
- Remember, we ALL benefit when the lines of communication remain open and EVERYONE feels free to raise concerns

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Tennessee Valley Authority, Post Office Box 2000, Spring City, Tennessee 37381-2000

Richard T. Purcell
Site Vice President, Watts Bar Nuclear Plant

SEP 17 1998

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

In the Matter of) Docket No. 50-390
Tennessee Valley Authority)

WATTS BAR NUCLEAR PLANT (WBN) - ADDITIONAL INFORMATION REGARDING
INTIMIDATION OF TENNESSEE VALLEY AUTHORITY (TVA) EMPLOYEE

As requested by the NRC's September 4, 1998, letter and as recently discussed with Region II and NRR management, the purpose of this letter is to inform the staff of developments in the subject case and to discuss additional actions TVA is taking to ensure that no chilling effect arises as a result of these unfortunate incidents. As NRC acknowledged in its September 4 letter, TVA took prompt action to address an incident in which an employee received a threatening interoffice note. Since that time, we have informed NRC of subsequent incidents, such as the employee receiving additional harassing notes at his home and an imitative explosive device which was found in the employee's vehicle located off TVA premises. TVA's Office of Inspector General (OIG) is working with Federal and local authorities to fully investigate these incidents as well.

These incidents have been very disturbing to the entire WBN team and stand in stark contrast to the many successful results we have achieved in our early operating experiences at WBN. I am confident, and I am sure you will agree, that all of our successes to date could only have been achieved in a workplace environment of open communication where employees feel free to raise safety concerns without fear of reprisal. Our sensitivity and reactions to the

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SEP 17 1998

above incidents demonstrate that we are very protective of that environment. For example, as a result of the incident involving the inter-office note, TVA took several immediate actions including initiating an investigation by the TVA Office of Inspector General, and holding a WBN site management meeting in which we discussed the event, and its significance, and the most effective means by which we would discuss it with our workforce. That same day I also issued a memorandum to my managers which, among other things, reiterated TVA's policy of zero tolerance of intimidation in the workplace, the penalties associated with violating such policy, and asked each manager to roll down these messages to employees as soon as possible.

Following the most recent incident, senior WBN management addressed the matter in detail as part of our September 10, 1998, morning plan of the day (POD) meeting, once again asking that our message of intolerance to such behavior be "rolled-out" to department managers for discussion with their staffs. Later that same day, I issued a special bulletin to site employees in which I summarized our successes at the site yet expressing regret that WBN's hard-earned reputation for achieving open communication among our workforce was being challenged by the recent incidents. I urged each employee to be mindful of their responsibility to ensure that an atmosphere of open communication continues and asked each employee to be watchful for suspicious activity and to help us resolve this matter. In addition, on September 15, 1998, I conducted several site-wide meetings with employees to communicate my personal concerns about these incidents. Several topics were addressed relating to ensuring open communication, and written handouts were distributed. The topics I addressed in detail orally and reinforced in writing were as follows:

- Recent Reports Demonstrate the Need to Reinforce TVA's Policy Against Intimidation and Harassment
- TVA Management Strongly Condemns These Intimidation Tactics
- TVA Discipline Policy as Well as Federal and State Laws Provide Appropriate Penalty
- Fear of Reprisals Create Counter-Productive "Chilling Effect"
- What Can the Conscientious Workers of WBN Do?

In the years leading up to licensing WBN, and especially since that time, WBN has consistently progressed in maintaining a work place environment which is characterized by open, honest communications free of intimidation and harassment. As I stated earlier, this has been a key contributor to our success. Obviously, we are concerned about any

SEP 17 1998

incidents which could impact the WBN team's ability to identify and resolve problems promptly and efficiently. However, I believe our employees recognize these acts of intimidation as cowardly and irresponsible and not in any way representative of the WBN team spirit which we bring to work each day. I also believe that our maturity as an organization is reflected in our willingness to confront issues and resolve problems, and that this maturity will overcome any potential "chilling effect" associated with these incidents. Our recent communications with employees have solidified our resolve in this area. I am confident that our current workforce attitude, especially taking into account our workers' awareness of the confidential processes available to address concerns, provides assurance that WBN will continue to be successful at discovering and correcting any and all potential issues that could affect safe plant operation.

If you have any questions or need any additional information, please let me know. We will keep you informed of future developments.

Sincerely,



R. T. Purcell

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U. S. Nuclear Regulatory Commission

Page 4

SEP 17 1998

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