



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-3415

October 14, 1999

Tennessee Valley Authority
ATTN: Mr. J. A. Scalice
Chief Nuclear Officer and
Executive Vice President
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: DEPARTMENT OF LABOR CASE NO. 1999-ERA-0025 (CURTIS C. OVERALL
VS. TENNESSEE VALLEY AUTHORITY - WATTS BAR NUCLEAR PLANT)

On September 2, 1998, the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) initiated an investigation to determine if Mr. Curtis C. Overall was subjected to a hostile work environment as a result of his engaging in protected activities. OI concluded that the evidence did not substantiate the complaint that TVA subjected Mr. Overall to a hostile work environment.

On February 25, 1999, the U. S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) Division in Atlanta, Georgia, initiated an investigation of a complaint filed by Mr. Overall in which he alleged that he was subjected to a hostile work environment.

On July 27, 1999, the OSHA Regional Supervisory Investigator informed the NRC of a decision in this case in which it was concluded that Mr. Overall's complaint had no merit.

Mr. Overall subsequently appealed the decision and action is pending before a DOL Administrative Law Judge (ALJ). The NRC staff will hold its decision on whether enforcement action is warranted in this matter until after an adjudicatory decision by a DOL ALJ.

We are providing the parties involved in the DOL proceeding the results of the OI investigation. In this regard, a copy of the synopsis of the OI report is enclosed.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

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Should you have any questions regarding this letter, please feel free to contact me at 404-562-4421.

Sincerely,



Anne T. Boland, Enforcement Officer
Enforcement and Investigations
Coordination Staff

Docket Nos. 50-390, 50-391
License No. NPF-90 and Construction
Permit No. CPPR-92

Enclosure: Synopsis to OI
Report No. 2-1998-019

cc w/encl:
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SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region II, on September 2, 1998, to determine whether the Tennessee Valley Authority (TVA) subjected an employee to a hostile work environment as a result of his engaging in protected activities.

The evidence developed during this investigation did not substantiate the allegation that TVA subjected the alleger to a hostile work environment.

Approved for release on 10/6/99

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

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OE/OI/OGC approval of synopsis release @ 10/6/99 panel.

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