

March 5, 1998

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

SUBJECT: DEPARTMENT OF LABOR (DOL) CASE NOS. 97-ERA-0053
(OVERALL v. TENNESSEE VALLEY AUTHORITY)

Dear Mr. Zeringue:

On March 17, 1997, the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) initiated an investigation to determine if Mr. Curtis Overall was terminated from employment with the Tennessee Valley Authority (TVA) for reporting safety concerns with regard to the adequacy of the ice condenser baskets while working at TVA's Watts Bar Nuclear Plant. The OI investigation, documented in OI Report No. 2-97-006, was completed on September 8, 1997. OI concluded that there was not sufficient evidence developed during the investigation to substantiate discrimination.

On January 17, 1997, the U.S. Department of Labor's (DOL's) Wage and Hour Division in Knoxville, Tennessee, received a complaint filed by Mr. Overall, a former employee of TVA. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated June 13, 1997, the Assistant District Director of the Wage and Hour Division issued a decision. The Assistant District Director concluded that discrimination as defined under the statutes and the Energy Reorganization Act was a factor in the termination of Mr. Overall's employment. TVA subsequently appealed the decision and action is pending before an Administrative Law Judge (ALJ). In light of the results of the OI investigation and the ongoing DOL proceeding, the staff will hold its decision on whether or not enforcement action is warranted in this matter until after an adjudicatory proceeding by a DOL ALJ.

We are providing the parties involved in the DOL hearing the results of the OI investigation. A copy of the synopsis of the OI report is enclosed. You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of certain information as provided under FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records.

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Should you have any questions regarding this letter, please feel free to contact me at (404) 562-4421, or Mr. Scott E. Sparks at (404) 562-4422.

Sincerely,

*Original signed by
Ann Boland*

Anne T. Boland, Director
Enforcement and Investigations
Coordination Staff

Enclosure: Synopsis of OI Report No. 2-97-006

cc w/encl:

Mr. Curtis A. Overall
[ADDRESS WITHHELD
UNDER 10 CFR 2.790]

Distribution w/ encl:

- J. Lieberman, OE
- B. Summers, OE
- J. Goldberg, OGC
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- O. DeMiranda, RII
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OE concurrence provided via e-mail

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region II, on March 17, 1997, to determine whether the Tennessee Valley Authority (TVA) discriminated against a former system engineer for engaging in protected activity at the licensee's Watts Bar Nuclear Plant.

The OI investigation did not substantiate the allegation that the alleged/complainant was subjected to discriminatory treatment by TVA.

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

Case No. 2-97-006

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Approved for release on 3/5/98