

September 4, 1998

EA 98-327

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: TENNESSEE VALLEY AUTHORITY (TVA) RESPONSE TO NUCLEAR REGULATORY
COMMISSION (NRC) REQUEST REGARDING DEPARTMENT OF LABOR CASE
NO. 97-ERA-53 (TVA VS. CURTIS C. OVERALL)

Dear Mr. Scalice:

By letter from R. Purcell to L. Reyes dated May 28, 1998, TVA requested that the NRC refrain from initiating escalated enforcement action regarding a U. S. Department of Labor (DOL) Administrative Law Judge (ALJ) Recommended Decision and Order (RDO) in the case of Curtis C. Overall vs. TVA (97-ERA-53). The NRC, by letter from L. Reyes to J. Scalice dated July 17, 1998, requested that TVA submit to the NRC a description of the bases for TVA's appeal of the ALJ RDO and documents filed with the DOL Administrative Review Board (ARB) in this case. The NRC request of July 17, 1998, was made to assist us in our determination of whether to defer Agency action in this case pending completion of the DOL review process. TVA responded to the NRC's July 17, 1998, request by letters dated August 7 and 24, 1998.

The NRC has reviewed the TVA responses of August 7 and 24, 1998, and has decided to defer Agency action in this case pending completion of the DOL review process. Please continue to provide the NRC with all TVA filings in the DOL case.

If you have any questions regarding this letter, please contact Anne Boland, Director, Enforcement and Investigations Coordination Staff, of my staff at 404-562-4421.

Sincerely,

original signed by JRJ for LAR

9809290228 980904
PDR ADOCK 05000390
P PDR

Luis A. Reyes
Regional Administrator

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

cc: See Page 2

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* see previous concurrence

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per E-mail from J. Borchardt on 09/04/98

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