

U.S. NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-390, 50-391

TENNESSEE VALLEY AUTHORITY
(Watts Bar)
(License Nos. CPPR-91, CPPR-92)

ISSUANCE OF DIRECTOR'S DECISION
UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Enforcement, has issued a decision concerning the Petition filed by Mr. George M. Gillilan (Petitioner) dated February 25, 1994 as supplemented by letters dated June 16, June 28, July 6, 1994, and February 24 and February 28, 1995. The Petition requested that the Nuclear Regulatory Commission (NRC or Commission) (1) immediately impose a \$25,000 per day fine on TVA until all reprisal, intimidation, harassment and discrimination actions involving Gillilan are settled to his satisfaction, and (2) appoint an independent arbitration board to review all past DOL suits and EEO complaints filed against TVA concerning Watts Bar. Since the latter remedy is beyond the scope of the Commission's authority, it was denied in a letter to Petitioner dated April 7, 1994, which acknowledged receipt of the Petition. In that letter, the Petitioner was also informed that the request for immediate action was denied.

Based on a review of Petitioner's request and supplemental submissions, the Licensee's response dated May 20, 1994, the report of NRC's Office of Investigation (OI Report No. 2-94-042), the results of investigations of the TVA Inspector General and the decisions of the Department of Labor on Petitioner's complaints, the Director, Office of Enforcement, has denied this Petition. The reasons for the denial are explained in the "Director's Decision under 10 CFR 2.206" (DD-95-20) which is available for public inspection in the Commission's Public Document Room at 2120 L Street, NW,

Washington, D.C. 20555.

A copy of this Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

FOR THE NUCLEAR REGULATORY COMMISSION



James Lieberman, Director
Office of Enforcement

Dated at Rockville, Maryland
this 13 day of September 1995

George M. Gillilan

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Feb 25, 1994

Executive Director For Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

I am filing this brief under 10 CFR.2.206, all parts and 10 CFR. part 50.5 subsections A1, and A2; CFR. subpart B; 10 CFR. 2.202, all parts A-E; 10 CFR. 2.204, all parts A-D; 10 CFR. 2.206, all parts; 10 CFR. 50.7.

I am an Electrician, employed by TVA at Watts Bar Nuclear Plant; Spring City, TN. I am entitled to protection under the "Whistle Blowers Act".

I have been subjected to continous Intimidation, Harrassment, Reprisal Actions, and Discrimination Acts since Jan of 1987, by TVA Management due to reporting safety concerns to NRC.

It is common knowledge with-in TVA, the News Media, Congress, Dept. Of Labor, and the NRC; that TVA uncontroled continually intimidates, harrasses, and takes reprisal actions and discriminates agaist Whistle Blowers.

I have several suites filed through the Dept. Of Labor that I have not gotten satisfactory results through the Dept. Of Labor partly due to my ignorance of the law; and partly due to my misrepresentation. I have had three different Attorneys, who have taken my money and abanded me.

I am number seventeen on the Kingsley Black Ball list, witch was circulated nation wide and in most cases prohibites me from suitable employment outside of TVA.

TVA has not fully adhere to any agreements with me in the past.

Through the past years, I have been under so much TVA related mental stress; that it has affected my mental and physical health. I have been under a medical doctor and a doctor of psychiatry, my psychiatrist died Jan 24, 1994; I am presently trying to get an appointment with another psychiatrist.

I do not have the means of TVA's rate payers and the government fundings that TVA has to hire a full staff of attorneys. I am presently not represented by an attorney, for I can not locate an attorney; who I feel would give me proper representation.

TVA would rather appeal the Dept. Of Labor Investigators rulings and go to court, where settling the complaint and taking corrective action with-in management would be much more suitable and less expensive on all parties.

EDO --- 009838

~~9412140194~~

TVA spends millions of dollars on court cost and attorneys fees. Rather than admit that TVA management had discriminated, when in the beginning; smacking TVA management's hands, and an apology would have settled the complaint. I will quote TVA's attorney Brent Marquand, "We back TVA management's decisions 100% regardless of whether they are right or wrong."

The TVA's Inspector General has failed to hold a fully independent investigation, letting TVA guild them questing the people, who would give the answers; that TVA wants to hear. The TVA's Inspector General has repeatedly denied me union representation as a witness, therefore not having the pertinent information that I could provide them with.

I am requesting that the NRC take the following actions under the before mention 10 CFR.- immediately impose a \$25,000.00 fine a day, until all previous up to today's date; all reprisal actions, intimidation, harassment, and discrimination actions are settled to the plaintiff's satisfaction. And that the NRC appoint a independent arbitration board to review all past Dept. Of Labor suites and EEO complaints filed against TVA at Watts Bar Nuclear Plant and give a final and binding decision without involving the millions of dollars for TVA's attorneys, and the thousands of dollars for each plaintiff's legal fees.

Your immediate attention and action would be greatly appreciated:

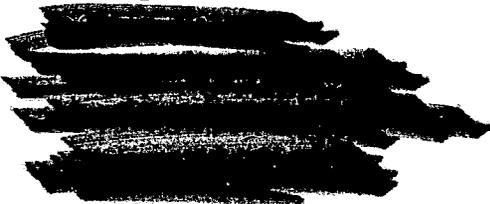
Several Enclosures:

20 Enclosures bmb 2-28-94

Sincerely

George M. Gillilan

George M Gillilan



and Joy Jones of Decatur; one Ziegler funeral home.

Daniel C. Brumbeck
Died January 24, 1994

Daniel C. Brumbeck, M.D., 50, of Athens, died Monday at his home.

He was in private psychiatry practice in Athens. A member of the medical staff of Athens Community Hospital and Cleveland Community Hospital, he was a member of the McMinn County Medical Society and the American Medical Association. He was a graduate of Georgetown University Medical School. A member of Keith Memorial United Methodist Church, he was a veteran of the U.S. Navy, having served during the Vietnam conflict. He was a native of Washington D.C. and a former resident of Virginia. He was preceded in death by his father, Harold Brumbeck.

Survivors include his wife, Robin Smith Brumbeck of Athens; his son, Danny Brumbeck of Athens; his mother, Eunice Collier Brumbeck of Ft. Myers, Fla.; one sister and brother-in-law, Martha and Rob Squires of Denver, Colo.; two brothers-in-law, Jeffery Bailey and Robert Smith, both

of Athens; his mother- and father-in-law, Bill and Nancy Bailey of Athens; and two nieces.

Funeral services will be 8 p.m. Wednesday at Keith Memorial United Methodist Church with the Rev. Riley Huffstetler and the Rev. Stella Roberts officiating. Graveside services will be 10 a.m. Thursday at McMinn Memory Gardens.

Serving as pallbearers will be members of the Epworth Sunday school class including Fred Burke, Jere Miller, Max Smith, Gary Hosock, Derrell Dumont, Rick Kesler, Joe Robinson and Mike Nicolo. Honorary pallbearers will be members of the McMinn County Medical Society.

The family will receive friends from 7-8 p.m. at the church prior to the funeral service.

Memorial contributions may be made to the American Cancer Society; c/o Naoma Simpson; 130 County Road 256; Niota, Tenn. 37826.

Oct 27, 1993

Craven Crowell
400 West Summitt Hill
Knoxville, TN 37902

Dear Sir;

I am an Electrician, employed by TVA at Watts Bar Nuclear Plant Spring City, TN. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continous Intimidation, Harrassment, and Reprisal Actions by TVA Management, due to reporting safety concerns to NRC.

I have been continously harrassed, intimidated, and reprisal actions taken agaist me and discriminaled agaist since Jan of 1987. When it became public knowledge that I was an alledged whistle blower. I have been ran off the job at SQNP by plant manager Steven Smith and the business agent was threaten by Mr Smith that if I filed a grievance, that he would see to it that I was terminated. Shortly there after, your TVA Psychiatrist staff pulled my security clearance, and I was forced off the job. And it was mandated that I seek Psychological cousleing.

My Psychological evacuation was that my only problem was continous harrassment by TVA management and work related stress.

In July of 1988, I was forced transfered to Browns Ferry Nuclear Plant, while at Browns Ferry Nuclear Plant; I was threaten by TVA management. I was threaten with pyscial violence. I was told by TVA foreman, "not to be looking for a house or anything in that area, for I would not be there that long." I had my life threaten by a phone call, and had other threatening phone calls. In Sept of 1988 there was a so called agreement with TVA and I.B.E.W. that I would receive back payment for money lost, by being forced from SQNP by Steven Smith. TVA's labor relations person Carl Treppard agreed on several different occassions to meet with me and work out a settlement. But he never followed through.(money in excess of \$20,000.oo).

I was number three on the retention list, yet TVA with the assistance of I.B.E.W. Representative Carl Landsen blocked all of my transfers, yet they continued to fill jobs illegally with hourly employees. I wrote a letter to congresswoman Marlyn Lloyd, it was forward to Ronnie Flippo; due to I was living in Alabama at the time. I have a copy of a letter to Ronnie Flippo in responce by TVA signed by Bill Willis, witch has untrue and misleading statements.

The last day I was at Browns Ferry Nuclear Plant, I was threaten by Electricial Maintenance Superintendent and General Foreman at this meeting I was denied union representation witch is a violation of Federal Law. I called the TVA Inspector General's office, requesting assistance, and got no responce.

In Feb of 1989 I was given a RIF notice, on or about this time I had filed a DOL suite agaist TVA. The RIF notice was resented and I was forced back to Watts Bar Nuclear Plant where my problems orginally began. Since that time I have filed a series of DOL suites, three of witch was settled out of court. Yet TVA never lived up to the settlement agreement. Since that time I have filed several more DOL suites for discrimination and reprisal actions witch the Dept of Labor ruled in my favor. TVA Attorney's have filed an appeal and requested a summary judgement. At present time I have three more suites filed for discrimination and dening me union representation, intimidation, and harrassment. I am in the process of filing two more DOL suites for discrimination. I have many form letters signed by Kingsley, and plant manager Moody, stateing that intimidation, harrassment, reprisal actions, and discrimination will not be tolerated. Yet no one will take action agaist persons taking these discrimination actions.

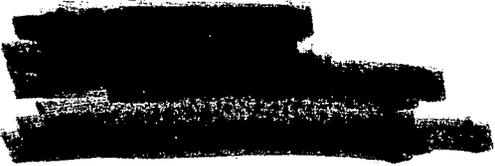
I would like to meet with you personally, and discuss what actions could be taken to settle my previous suites, and to end all harrassment, and discrimination actions taken agaist me.

Your personal attention is requested, due to no one else within TVA will take any actions to correct this matter.

Sincerely

George M. Gillilan

George M. Gillilan



Nov 29, 1993

Craven Crowell
400 W. Summitt Hill
Knoxville, TN 37902

Dear Sir;

On Oct 27, 1993, I mailed a letter to you, requesting to meet with you personally and discuss what actions could be taken to settle my previous suites, and to end all harrassment and discriminations actions taken agaist me.

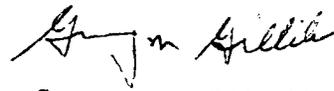
My previous letter must have not been brought to your attention, for I am sure you would have responced by now.

Enclosed a copy of original letter.

I am requesting your personal assistance for no one else seems to take any action.

cc: Honorable John J. Duncan, Jr.
Honorable Marilyn Lloyd

Sincerely



George M Gillilan

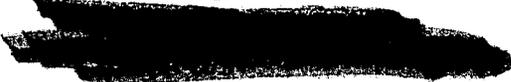




Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

Craven Crowell
Chairman, Board of Directors

December 1, 1993

Mr. George M. Gillilan


Dear George:

Thank you for your October 27 letter concerning past difficulties which you believe are related to your raising nuclear safety concerns. I want to assure you that the TVA Board of Directors is committed to maintaining a work environment free of intimidation or harassment.

From your letter I gather that you have been or are currently involved in several Department of Labor (DOL) cases. In addition, I understand that TVA's Office of Inspector General has a current investigation under way to address specific allegations related to your DOL issues. In keeping with our goal to put employees first, I will very closely monitor issues such as those raised in your letter.

Like all residents of the Valley, I am especially interested in the safe and efficient operation of TVA's nuclear power program. Thank you for the information you provided.

Sincerely,

Craven Crowell

5
Feb. 21, 1993

Office Of Administrative Appeals
U.S. Department Of Labor
200 Constitution Ave., N.W.,
Room S-4309
Washington, D C 20210

Case Nos 92-ERA-46
92-ERA-50

Dear Sir;

As I have stated in my previous letter, My Attonery Charles Van Beke has failed to properly prepare my case. And I have had problems finding other Attonerys, who are interested in defending persons protected under the Energy Reorganization Act Of 1974, peculiarity agaist the T.V.A.

A breif history of how and when my problems began. In late 1986, retireing crane maintance engineer Luther Shelton; after finding out that I was going to bid on his job, that he was retireing and his intention to bid on as private contractor. Mr. Shelton came to three of my immed-iate supervisors and made the statement that I was reporting safety concerns to the F.B.I. and the N.R.C. on a daily basic. Immediately all my electrical training was canceled, and my turn to go to sequoyah nuclear plant was passed over. After appealing, I was sent to sequoyah nuclear plant. At this time; I was not reporting safety concerns to the N.R.C. and I have never knowing talked to the F.B.I. reference T.V.A. During the next three years, I was transfereed back and fourth from one plant to another; being intimidaded, harrassed, reprisal and discrimination action taken agaist me almost continously from 1987 on to present. I have reported safety concerns to the N.R.C. This has cost T.V.A. millions of dollars to correct.

I filed my first D.O.L. suite in 1988, after being threatened my job and with no union representation during this time, I was given reduction in force notice.

In the months August of 1988 to March 1989, I was on forced transfer list. I was number three to be selected for annual jobs at any T.V.A. plant with in T.V.A. The two men before me, were place on other jobs; but my placement was filled. People with less seniorty out of classification and with hourly people with no annual seniorty with T.V.A. at all.

In 1989 I filed suite with D.O.L. in order to get required training in order to maintain a job in T.V.A. nuclear plants. This was three years after I became an annual employee of T.V.A. Seventeen or eighteen other employees hired one year after me, got the same training with in six months of employment. It required me to file a D.O.L. suite and three and a half years to get the same training, even after the D.O.L. suites were settled. T.V.A. did not live up to the settlement; today T.V.A. has not lived up to the settlement of 1989. As you have read in all my complaints, charged continous harrassment, discrimination and reprisal action agaist me.

When I filed my original D.O.L. suite for T.V.A.using the wrong data for forcing me to the evening shift. I had recording of meetings with Ed Ditto, Eddie DeBusk and myself discussing that the list was a T.V.A. retention list and not a continous in-classification list. All my recording and much of my files was retained by my retireing attoney W.P. Boone Doughtery. Judge Vittone issued a court order for Mr. Doughtery to produce all my records, Mr. Doughtery mailed me one tape only; and it did not have any information to help me with my case. Then when I requested Judge Vittone to issue a contempt of court order, Judge Vittone refused. I do not have all my files to date.

Ed Ditto's deposition has many untrue and misleading statements. I can produce witnesses to prove this. I would like Ed Ditto to be suspended to court, as a witness; where there are other witnesses to prove he has made untrue statements. T.V.A. has admitted that they used the wrong list for forcing me to evening shift. See new inclassification list (enclosed).

As for the issue that I was on vacation during the job selection, I was on medical leave of absence from Oct. 16, 1990 to Dec. 10, 1990. My doctor had released me to return to work. Ed Ditto refused to permit me to return to work on the day shift. I could have worked the day shift with no restriction. But evening shift I would be placed on restriction due to medication that I was taking under a medical doctors supervision. I was forced off the job from Dec. 10, 1990 to Jan. 10, 1991.

The job for instructor was announced in Dec. of 1989, there is usually sixty to ninety days before closing, on a job announcement; yet T.V.A. closed in less than six weeks. I met with Ed Ditto on Jan. 10, 1991 and he did not mention the interviews on Jan. 14, 1992. I was on site, in the shop with Jim Hoover, he was on the committee who set up the interviews. Mr. Hoover avoided talking to me. There is a copy of letter with my D.O.L. suite stating that I was not available for an interview. I was at the training center just down the hall on Jan. 14, 1991, when the interviews were held. It is a fact that Ed Ditto held me off the job Dec. 10, 1990 to Jan. 10, 1991 to prevent me from filling one of the jobs of instructor. There were two openings and only three applications to fill the job. I graduated from Devry Tech in Chicago in 1960. I instructed electronics for R.C.A. Service Co 1966 to 1979 affilated with I.B.E.W. Local 662 and I.B.E.W. Local 175, neither of the other electricians selected for the instructor jobs had, had any instructors experience before they were selected.

The job at sequoyah nuclear plant, the GET training I missed while I was on sick leave and was not permitted to go for the training.

Later when GET training was given at Watts Bar Nuclear Plant. Also I can produce witness that I could have gotten the the GET training the first of the week after arriving at sequoyah I can produce witness that the GET training was not needed. I was also forced to leave sequoyah nuclear plant 1988 for reporting safety concerns. Two of the four electricians sent to sequoyah nuclear plant had never worked in a operating nuclear plant, and never worked in radiation. I had worked at sequoyah nuclear plant and browns ferry nuclear plant, I have two years working experience in a hot plant, three of the four electricians that went to sequoyah have been promoted to tempory foreman, all with less annual T.V.A. time than me.

On the one day over time I can produce witness they have been called at home to fill work list. Also the job on that date were so important, that the electric shop brough people in from limitorque crew and instrumentation crews to fill the work. This had never been done at Watts Bar Nuclear Plant before. Also this call in was supervised by Harry Brown a general forman who had continous discriminated agaist me. Even today, I have grievances filed through the union for discrimination agaist general forman Ken McKnight.

Brent Marquand included a portion of my deposition but left out pages where answer on the next pages were misleading. There were approximately ninety pages of my deposition were left out.

Congress passed laws to protect whistle blowers but if we can not get to court, we are not given the rights guaranteed by congress to a court trial.

Even my attorney attempted to intimate me during one of our meetings, Mr. Van Beke made the statement that "if I filed more suits against T.V.A. that T.V.A. would terminate me." My name is on the black ball list that Brent Marquand prepared for Kingsley. I am number thirty-seven on the list.

I had never reported safety concerns at Watts Bar Nuclear Plant, until I was falsely accused of reporting to the N.R.C. and F.B.I. Then I only reported safety concerns to protect my job and because reprisal actions committed by T.V.A. management against me. I had brought safety concern to my supervisor before 1987. And they had been corrected without going to the N.R.C.

I am entitled to a court trial, even if my attorney does not help me. With your patience I can prove my case.

Sincerely



George M. Gillilan



cc:

Brent Marquand, Esq.
Office of the General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1499

Charles W. Van Beke, Esq.
Wagner, Myers & Sander
1801 Plaza Tower
P.O. Box 1308
Knoxville, TN 37901-1308

cc:

Monica Gallagher
associate Solicitor for
Fair Labor Standards
U. S. Department of Labor
Room N-2716
200 Constitution Avenue, N.W.,
Washington, DC 20210

Acting Administrator
Wage and Hour Division
U.S. Department of Labor/ESA
Room S-3502
200 Constitution Avenue, N.W.
Washington, DC 20210

Director of
NRC
United Regulatory Commission
Region II
101 Marietta Street, N.W.
Atlanta, Georgia 30323

U.S. DEPT OF LABOR
WAGE & HOUR DIVISION
FEDERAL BLDG
710 LOCUST ST
BOX 123
KNOXVILLE, TN 37902

Dear Sir;

I am an Electrician employed by TVA at Watts Bar Nuclear Plant Spring City, Tenn. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continous Intimidation, Harrassment, and Reprisal Actions by TVA Management due to reporting safety concerns to NRC.

Dec 4, 1993, Foreman Mike Hershey deliberately failed to go by the established over-time policy for over-time Dec 5, 1993.

Dec 10, 1993, Foreman Mike Hershey; again deliberately refused to go by the established over-time policy for Dec 11 and 12, 1993. It is the responsibility of Mike Hersheys Imediate Supervisor J. D. Steward to see that the over-time list is properly administered. Mike Hershey has continously failed to go by the over-time list and discriminate agaist me and failing to ask me to work, when he has requested others with more over-time than me to work.

This is just another in a continous series of Intimidation, Harrassment, Reprisal Actions, and Discrimination taken agaist me.

I would appreciate your efforts, while investigating this lastest problems.

One Enclosure:

Sincerely

George M. Gillilan
George M. Gillilan



DEC 21, 1993

U.S. DEPT OF LABOR
WAGE & HOUR DIVISION
FEDERAL BLDG
710 LOCUST ST
BOX 123
KNOXVILLE, TN 37902

Dear Sir;

I am an Electrician employed by TVA at Watts Bar Nuclear Plant Spring City, TN. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continous Intimidation, Harr-
assment, and Reprisal Actions by TVA Management due to re-
porting safety concerns to NRC.

For failing to perform their duties as described by
The Tennessee Valley Authority Act Section six page five,
and failing to abide by U.S. DEPT OF LABOR George Friday
District Director 's decission of July 17, 1992 and Dec 3,
1993. I am charging the following: Mr. O.D. Kingsley, Jr.,
(President Generating Group), William L. Hinshaw, Inspector
General's office, and Craven Crowell, (Chairman Board of
Directors), Tennessee Valley Authority; for discrimination
by failing to perform their duties.

I would appreciate your efforts while investigating
this lastest problems.

Three Enclosures:
Including page one and five TVA Authority Acts

Sincerely

George M. Gillilan
George M. Gillilan



D. Rosano Note
Area Director found
no discrim. & this
decision was not
appealed

Aug 23, 1993

U.S. Dept Of Labor
Wage & Hour Division
Federal Bldg
710 Locust St
Box 123
Knoxville, TN 37902

Dear Sir;

I am an Electrician Employed by TVA at Watts Bar Nuclear Plant Spring City TN. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continous Intimidation, Harrassment, and Repriser Actions by TVA Management due to reporting safety concerns to NRC.

As you know I filed a DOL complaint agaist TVA on June 10, 1993 with Wage & Hour investigator Thomas Reesor.

In the attempt to settle, Mr. Reesor had requested me to meet with Charles D. Nelson WBN site maintenance manager and Randy W. Higginbotham WBN site E R & D representative; excluding my union representative Eddy DeBusk. I explained to Mr. Reesor that I did not want to meet with E R & D representative Randy W. Higginbotham due to the fact that he was the person who had the grievance procedure dead-lock and one of the reasons that I had filed the DOL complaint June 10, 1993 instead of filing through the grievance procedure. And also I wanted my union stewant Eddy DeBusk present at the meeting. A day or so later Mr. Reesor advised me that we could not reach an agreement on who was to attend the meeting and the meeting was postponed.

On July 8, 1993 I was informed by my forman Jackie Revis that I was to report to the office of TVA inspector general Jasen Grimes. It was my understanding that these meetings were to be kept confidant; yet this was the second time that Mr. Grimes had phoned announcing that he was an investigator of TVA inspector general office, to my forman Jackie Revis. Mr. Grimes insisting on meeting with me. It is in my opinion that Mr. Grimes violated my rights to confidentially. I called my union stewant Eddy DeBusk and we met with Mr. Grimes. Mr. Grimes denied me union representation insisting that Eddy DeBusk not be present. I had expressed my opinion that TVA inspector general office was only interest in covering TVA management's butts. And that the inspector general office had failed to find any wrong doings on TVA's part, where TVA managers had made false and misleading statements and had falseified TVA documents. Mr. Grimes again repeated that Mr. DeBusk could not sit in the meeting, a second

time denying me rightful union representation. Then Mr. Grimes procedued to lecture me on my vocabulary; at this time I ended the meeting. This meeting was July 8, 1993 from approximately 10:55 AM till 11:05 AM.

July 8, 1993 at 12:05 PM forman Jackie Revis informed me to report to the office of Charles D. Nelson WBN site maintenance manager. Upon arriving at his office Eddy DeBusk union stewart was waiting for me outside, he had only been informed of the meeting and not the intent of the meeting. Present at the meeting was Charles D. Nelson, WBN site maintenance manager; Randy Higginbotham, WBN site E R & D represenative; Bruce W. O'Brien electricial maintenance superintendant; Eddy DeBusk union repr-estative and myself. We discussed the procedure violation that prompted my June 10, 1993 DOL complaint. Mr. Nelson did most of the talking in an intimidating and demaning way. Insisting that the events leading to my DOL complaint did not happen that way and insinuated that I had lied. Mr. Nelson repeatedly said that it did not happen that way in a loud and intimidating matter in an attempt to get me to change my story. I told Mr. Nelson that if he believed that; that he was not even in this world. His face became red and obviously angry, and he repeated that it did not happen that way. I explained to Mr. Nelson That I was there and I know how it happen and that he was wrong. The conversation became more heated and Mr. Nelson obviously angry due to the fact that he could not intimidate me into changing my story. Mr. Nelson repeated again, I said It did not happen that way. I became so upset I was having chest pains and problems getting my bealth. I pointed my finger at Mr. Nelson and repeated that you are wrong. And told him that they had only talked to witnesses that would give them the answers that they wanted to hear, and asked if they had questioned Roger Taylor, Mr. Nelson, in a loud and angry voice stated that I am your maintenance manager and I demand your respect. Then Mr. Nelson said that he was sure that they had questioned Roger Taylor. Shortly there after the meeting ended. Mr. O'Brien informed Eddy DeBusk and myself that he wanted to meet with us in his office. A few minutes later, Mr. DeBusk and I met with Mr. O'Brien. I was still having chest pains and was extremely upset and did not comprehend what was discussed. I left Mr. O'Brien's office and left a message with my forman Jackie Revis that I was sick and going home. When I arrived home; I phoned my Dr to see if he could see me that afternoon. Dr Denton had already left his office for the day and was to be on vacation all the next week.

I took additional blood pressure medicine and nerve medicine in order to get calm down, the chest pains went away; but I was unable to work Friday and Sat due to a nervous condition. When I returned to work Monday morning, Roger Taylor informed me that maintenance manager Charles Nelson had asked him if the events of procedure violations had occurred. Roger said he told Mr. Nelson that they diffidently had. Roger also stated that Mr. Nelson said that; that was the only time that they had happened. Roger said you don't want to know. Mr Nelson insisting asked Roger how many times had they happen. Roger said that he stated hundreds of times.

Approximately two weeks later I requested union steward Eddy DeBusk to obtain a copy of the notes from the July 8, 1993 meeting from mr Randy Higginbotham under the freedom of information act. Eddy was denied the time to go to Mr Higginbotham office by his supervisor for several days. Therefore I was denied prompt union representation. Upon getting permission to meet with mr Higginbotham Eddy acting as my representative, requested the notes under the Freedom of Information Act. Mr Higginbotham refused to provide a copy of his notes.

In this DOL complaint I was denied my rights of privacy by Jason Grimes. I was harrassed by Mr Grimes. Later July 8, 1993 I was discriminated agaist, harrassed, and intimidated by Charles D. Nelson. I was denied prompt union representation by Eddy DeBusk immediate supervisor. And I was denied legal rights to information That I was entitled to by Randy Higginbotham. Also Mr Nelson and Mr Higginbotham failed to follow a July 6, 1993 Generating Group Equal Employment Opportunity Policy Statement by C.D. Kingsley Jr. President Generating Group.

I would appreciate your prompt investigating my latest complaint agaist TVA.

Enclosed a copy of policy statement by C.D. Kingsley Jr.

Sincerely



George M. Gillilan



9
June 10, 1993

U.S. DEPT OF LABOR
Wage & Hour Division
Federal Bldg
710 Locust St
Box 123
Knoxville, Tn 37902

Dear Sir;

I am an electrician employed by TVA at Watts Bar Nuclear Plant Spring City Tn. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continuous intimidation, harassment, and reprisal actions by TVA management due to reporting safety concerns to NRC.

For the past few months I have attempted to take care of my problems by filing grievances through the union and I have had some success, but now employee research and development (E.R.D.) have interweaved in behalf of TVA and involuation of the General Agreement and completely dead locked the grievance procedure. I have also had some success in taking problems to employee concerns, but now they have appointed Ed Ditto in employee concerns; who is involved in several of my past DOL suites, this is like putting the fox in charge in the hen house. Therefore I have no other choice, but to enter into another DOL suite.

Monday, May 10, 1993 I discussed problems that I have had in reading and understanding in work order Sat. May 8, 1993. On Tue. May 11, 1993 Dual Rate Foreman told several in the crew that they did not have to perform steps as they were instructed on a 10CFR5049 work order, due to changes in SSP12.03, yet there had not been changes made to the work instructions. Wed. morning May 12, 1993 Electrical Trainee Kelvin Scott and myself were installing a breaker on work order #93-01629-01. The breaker had been removed by not performing step 1.3 as per instructions. removing the wires from the breaker line side to the bus stabs and pull back into the bucket. I explained to Mr. Scott that we would have to remove the line side wires from the bus stabs in order to perform step 1.7 of our work instructions. At this time Mr. Scott informed me that Dual Rate Gordon Reed had told him that we did not have to follow these instructions, due to there had been a change in SSP12.03. I explained to Mr. Scott that there had been no changes in the work order and that we had no choice in how we perform our work instructions, unless they had been changed on the work order. I insisted on removing the line side wires to the bus stabs and performed step 1.7 as instructed on the work order. We also discovered that the fussy block had been disconnected from the breaker without being entered on the configuration control log (SSP-6.02). We entered on our configuration control log "disconnected fussy block and then signed it off as return to normal.

When we returned to the shop, I handled the work order to Duel Rate Gorden Reed and pointed out that the previous craftman had not entered disconnected fuss block on the configuration log. Duel Rate Forman Gorden Reed in raising his voice stated "that he did not believe that disconnected fuss block needed to be entered on the configuration log." A few minutes later, approximately 10:00 AM May 12, 1993; Duel Rate Forman Gorden Reed turned from his desk and asked "if I had went over his head and reported him for procedures voluations." I attempted to explained to Mr. Reed that I did not want to discuss it, that Steve Robinson (Trainee Union Representative) that he had talked to Mr. Reed and asked him not to instruct trainees not to preform written instructions and that Mr. Reed had gotten angry and went to acting Electrical Maint Superintendant and there was a meeting set to discuss the problem with Mr. Vaughn, Mr. Reed interupted me before I could finish, by jumping up from his chair at the formans desk with his fist doubled up and ran over to me; in a fit of rage, holl wing and screaming at me and shaking his hand in my face in a threatening matter, while shouting "you went behind my back like you always do and reported me" and stated "that I was not man enough to talk to him man to man," all the time standing over me with his face just inches over mine, and continued shacking his hand in my face. He stated "that I would discuss it"and turned and walked back to his desk and said"that he was sorry he raised his voice."I told him "he was right, that we probaby would discuss it." I turned to a phone and called NRC Representative Glen Waldon's office and requested Mr. Waldon to return my call.

On Monday May 10, 1993, Tue. May 11, 1993, Wed. Morning May 12, 1993; it had been discussed in the presence of Mr. Reed and most of our crew about following procedures and on Tue. May 11, 1993 I had went to Union Trainee Representative Steve Robinson and requested that he instruct Mr. Reed not to tell the trainees that they did not have to follow the instructions on work order and procedures instructions. I did not consider this going over Mr. Reeds head, for this was the lowest level.

Approximately 3:20 PM Wed. May 12, 1993 Forman Jackie Revis came out into the yard where Kelvin Scott and I had been checking sump pumps, Mr. Revis instructed me to report to the Maint Manager Mr. Nelson, no later than 3:30 PM. I met with Mr. Nelson, Mr. Vaughn, and Union President David Morgan, and Eddie DeBusk for over an hour, we discussed the problems with failing to follow the work instructions to great lenght, Mr. Nelson asked me "why I went to Steve Robinson instead of Mr. Vaughn or him self (Mr. Nelson)." I told him that I wanted to keep the problem below management if possible. Not once did Mr. Nelson or Mr. Vaughn comment to me about Mr. Reeds actions.

Mr. Reed's intimidation, discrimination, and harrassment is just another example of continuing discriminations agaist Whistle Blowers at TVA.

Since the conflict with Mr. Reed Ma, 12, 1993, many members of the crew have avoided talking to me, except for commenting to me, "who are you going to rat on today." Many of the Formans and Duel Rate Formans and other employees are refussing to talk to me even today June 10, 1993. I have not been able to sleep at nights wakeing up repeatedly after having bad dreams of the incident with Gorden Reed. I am continously fearful for repriser actions and possible psycial retaliation actions.

I would appreciate your efforts while investigating this lastest problems.

Sincerely



George M. Gillilan



Dec. 21, 1992

U.S. DEPT. OF LABOR
WAGE & HOUR DIVISION
FEDERAL BLDG
710 LOCUST ST
BOX 123
KNOXVILLE, TENN 37902

Dear Sir;

I would like to file an appeal on my behalf,
on the decision of Judge Daniel A. Sarno Jr.
Reference case numbers 92 ERA 46 and 92 ERA 50.

Attorney Charles Van Beke failed to properly
prepare my case and failed to use pertinent evidence.
I feel I am entitled to present the facts of my case
in a court of law. I have had problems with getting
an attorney who is interested in defending persons
protected under the Energy Reorganization act of 1974.

Sincerely

George M. Gillilan

Jan. 10, 1992

U.S. Dept. Of Labor
Wage & Hour Division
460 Metrtlex Dr
Suite 102
P.O. Box 111300
Nashville, TN 37203

Dear Sir,

I am an Electrician Employed by T.V.A. at Watts Bar Nuclear Plant Spring City, TN. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continuous Intimidation, Harrassment, and Repriser Actions by T.V.A. Management due to reporting Safety Concerns to N.R.C.

Dec. 23, 1991; I drafted a letter to Ed Ditto III Superintendent Electrical Maint. I requested that he Implement a In-Plant In-Classification seniority list. I referenced Article B-VI paragraph eight; The word Article should read Supplementary Schedules; but regardless I quoted Supplementary Schedules B-VI paragraph eight. This letter was presented by hand to Harry Brown, who was acting Superintendent Electrical Maint. in Ed Ditto's absence, on dec. 26, 1991.

On Dec. 30, 1991, Harry Brown called me to his office at 09:30 a.m. and stated that they were not going to Implement the In-Plant In-Classification seniority list, as I had requested; due to the fact that I had filed previous Dept. Of Labor Suites. I asked Mr. Brown, "who made the actual decision of not Implementing the In-Plant In-Classification seniority list." Mr. Brown stated that the decision was made by Mark Vastona T.V.A. Human Resorces PH: 365-3047.

T.V.A. is fully aware that there were no decision made through the Dept. Of Labor; that the suite was dismissed by Judge Vittone; due to un-timeless.

I still insist that in forcing me to evening shift is in violation of the General Agreement and that it was repriser actions taken agaist me for reporting nuclear safety concerns.

Mr. Brown's statement of Dec. 30, 1991; that they were refusing to Implement the In-Plant In-Classification seniorty list is continuous harrassment, and repriser actions taken agaist me for me reporting nuclear safety concerns and filing Dept. Of Labor Suites, by T.V.A.'s decision; in this matter leaves me with no alternative, but for filing another Dept. Of Labor Suite.

I was forced to return to evening shift on Jan. 6, 1992.

I request that the Dept. Of Labor take actions in my behalf and that eventually these intimidations, harrassment, and repriser actions agaist me will end.

Two Enclousers:

Sincerely

George M. Gillilan
George M. Gillilan

[REDACTED]

Dec. 23, 1991

Ed Ditto III
Superintendent Electrical Maintenance
T.V.A. Watts Bar Nuclear Plant

Dear Sir;

I am requesting that you prepare and implement a in-plant seniority list; as prescribed in the General Agreement under Article B-VI paragraph eight. "In T.V.A.'s power operation annual maintenance EMPLOYEES WITH THE GREATEST PLANT SENIORITY IN CLASSIFICATION shall have preference in filling vacant maintenance shift positions. Exceptions may be made to assure efficient distribution of specialized skills."

I would like this implemented prior to my Jan. 6, 1992 schedule to return to evening shift.

Your cooperation will be greatly appreciated:

Sincerely

George M. Gillilan

George M. Gillilan





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

JAN 7 1992

John H. Garrity
Vice President, Watts Bar Nuclear Plant

Mr. Robert E. DeBusk, II
Electrical Maintenance Job Steward
Watts Bar Nuclear Plant

Dear Mr. DeBusk:

This is in reply to your verbal appeal of the complaint on behalf of George Gillian, Electrician, Watts Bar Nuclear Plant. The issue of Mr. Gillian's complaint is his assignment to the evening shift on or about October 15, 1990.

I have reviewed this matter, including the December 12, 1991 decision letter of Larry Jackson, Acting Plant Manager. Initially Mr. Gillian filed a complaint with the United States Department of Labor alleging that his assignment to the evening shift was an act of harassment in retaliation for whistleblowing activity. I have been informed that this complaint has now come to a conclusion with the Department of Labor (DOL). It would now be improper to accept this matter as a grievance alleging that the evening shift assignment is a contract violation when the initial complaint alleged retaliation for whistleblowing activity. Furthermore, the General Agreement prohibits accepting an issue previously challenged through DOL as a grievance under Supplementary Schedule B-IX:A3. This provision provides, "If an appeal or formal complaint with respect to an action, matter, or proposed action is or has been filed under a separate procedure provided by law or federal regulation, a grievance regarding such action, matter, or proposed action will not be accepted under this agreement, or if already accepted, processing of it will be discontinued, and it will not be further considered or decided under this agreement."

I therefore must concur with the December 12, 1991 decision of Larry Jackson, and do not accept this matter for processing through the grievance adjustment procedure.

Sincerely,

J. H. Garrity

cc: Mr. Jerry Duncan, International Representative
International Brotherhood of Electrical Workers
500 Franklin Building
Chattanooga, Tennessee 37411

Nov 17, 1991

U. S. Dept. Of Labor
Wage & Hour Division
460 Metrtlex Dr.
Suite 102
P.O. Box 111300
Nashville, TN 37203

Dear Sir;

I am an electrician employed by T.V.A. at Watts Bar Nuclear Plant Spring City TN. I am entitled to protection under the Whistle Blowers Act.

I have been subjected to continuous intimidation, harrassment, and repriser actions by T.V.A. management due to reporting safety concerns to N.R.C.

I was on vacation Oct. 6 through Oct. 18, 1991. I had advised my supervisor that I would be back on the eight-teenth and would be available for work.

When I returned to work Oct. 21, 1991, I discovered that the Elect. Maint. shop had worked over-time Sat. Oct. 19, 1991. Not only was all Elect. Maint. asked to work, they also brought instrucionmentation electricians in and the electricians from mechanical limitorque valves crew into Elect. Maint. These electricians normally never work in Elect. Maint. and are not shown on our over-time list.

Electrician Dwight Midkiff was also on vacation Oct. 14 through Oct. 18, 1991. He came into the shop on thu Oct. 17 or fri Oct. 18, 1991. And was asked to work over-time sat. Oct. 19, 1991. Duel Rate Forman Jim Thomas asked Gen. Forman Harry Brown if there were any problems with Dwight Midkiff working sat. over-time after being on vacation the proceeding week. Gen. Forman Harry Brown advised Duel Rate Forman Jim Thomas that he wanted all electricians working sat. Oct. 19, 1991. Yet Harry Brown failed to call me advising me of the over-time and failed to instruct the Forman Jim Thomas to call me.

I have had continuous problems and continuous reprisal actions against me invoked by Gen. Forman Harry Brown.

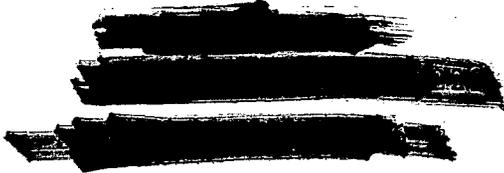
For not calling me in sat. over-time, when all Elect. Maint. Electricians and Electricians from two other Dept. were asked to work over-time in Elect. Maint. is just another reprisal action taken against me by Gen. Forman Harry Brown for reporting nuclear safety concerns.

Harry Brown has intimidated, harassed, and taken reprisal actions against me over the past several years. I request that the Dept. Of Labor take action in my behalf and that eventually these intimidation, harassment, and reprisal actions against me will end.

Sincerely

George M. Gillilan

George M. Gillilan



U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



January 16, 1992

460 Metroplex Drive, Suite 102
Nashville, TN 37211-3131
(615) 781-5344

Certified #P 281 906 462
Return Receipt Requested

Mr. George M. Gillilan

[Redacted address block]

Re: George M. Gillilan v. Tennessee Valley Authority

Dear Mr. Gillilan

This will acknowledge receipt of your complaint dated January 10, 1992, against the Tennessee Valley Authority, alleging violations of the Energy Reorganization Act, Public Law 95-601, Section 210, 42 USC 5851. Your complaint was received in our Knoxville office on January 16, 1992. The Act requires the Secretary of Labor to notify the parties named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. Consequently, we are providing the Tennessee Valley Authority with a copy of your complaint and information concerning the Wage and Hour Division's responsibilities under this law. We have enclosed a copy of the pertinent section of the Act and a copy of Regulations, 29 CFR Part 24 for your information.

We are considering this new complaint a continuation of the ones received October 15, 1991, December 4, 1991 and December 5, 1991. By previous agreement, a decision by the U. S. Department of Labor is due February 14, 1992.

This case has been assigned to Wage-Hour Investigator Thomas Reesor whose first action will be to try and achieve a mutually agreeable settlement. If this is not possible, a fact-finding investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions, do not hesitate to call me or our representative at (615) 549-9339, Knoxville, TN.

Sincerely,

George Friday

George Friday
District Director

Enclosures

cc: Attorney Charles Van Beke
NRC, Washington
NRC, Atlanta

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



December 6, 1991

460 Metroplex Drive, Suite 102
Nashville, TN 37211-3131
(615) 781-5344

Certified #P 707 795 553
Return Receipt Requested

Mr. George M. Gillilan
~~_____~~

Re: George M. Gillilan v. Tennessee Valley Authority

Dear Mr. Gillilan:

This will acknowledge receipt of your complaints dated November 17 and November 26, 1991, against the Tennessee Valley Authority, alleging violations of the Energy Reorganization Act, Public Law 95-601, Section 210, 42 USC 5851. Your complaints were received in our Knoxville office on December 4 and December 6, 1991. The Act requires the Secretary of Labor to notify the party named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. Consequently, we are providing the Tennessee Valley Authority with copies of your complaints and information concerning the Wage and Hour Division's responsibilities under this law. We have enclosed a copy of the pertinent section of the Act and a copy of Regulations, 29 CFR Part 24 for your information.

We are considering these new complaints a continuation of the previous one received in this office October 15, 1991. Because of these new complaints, a decision will be due January 6, 1992.

This case has been assigned to Wage-Hour Investigator Thomas Reesor whose first action will be to try and achieve a mutually agreeable settlement. If this is not possible, a fact-finding investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions, do not hesitate to call me or our representative at (615) 549-9339, Knoxville, TN.

Sincerely,

George Friday
George Friday
District Director

Enclosures

cc: NRC, Washington
NRC, Atlanta

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



January 21, 1993

John Duncan Federal Building
710 Locust Street, Box 123
Knoxville, TN 37902
(615) 545-4619

Mr. George M. Gillilan
[Redacted]

Dear Mr. Gillilan:

This is in reference to your letter of December 21, 1992, appealing the decision of the Administrative Law Judge on your two cases (No. 92 ERA 46 and No. 92 ERA 50).

This is not the office to which you need to address such appeals. Once the Administrative Law Judge issues his/her recommended decision, the recommendation is forwarded to the Secretary of Labor for issuance of a final order. Until such final order is issued, correspondence should be addressed to:

Secretary of Labor
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210.

Within 60 days after the issuance of a final order you may file a petition for review of the order in the U. S. Court of Appeals for the circuit in which the alleged violation occurred.

I hope this provides you the information you need to proceed. A copy of the Regulations, 29 CFR Part 24, explaining these procedures is enclosed.

Sincerely,

Carol Merchant

Carol Merchant
Assistant District Director

Enclosure

U.S. Department of Labor

June 11 1993

Employment Standards Administration
Wage and Hour Division
Airport Executive Plaza, Suite 511
1321 Murfreesboro Road
Nashville, TN 37917
(615) 781-5343



Certified #P 383 162 306
Return Receipt Requested

Mr. George M. Gillilan
[REDACTED]

Re: George M. Gillilan v. Tennessee Valley Authority

Dear Mr. Gillilan:

This will acknowledge receipt of your complaint against the Tennessee Valley Authority alleging violations of the Energy Reorganization Act. Your complaint was received in the Knoxville office on June 10, 1993.

The Act requires the Secretary of Labor to notify the party named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. Consequently, we are providing the Tennessee Valley Authority with a copy of your complaint and information concerning the Wage and Hour Division's responsibilities under this law. We have enclosed a copy of the pertinent section of the Act and a copy of Regulations, 29 CFR Part 24 for your information.

This case has been assigned to Wage and Hour Investigator Thomas Reesor whose first action will be to offer the employer an opportunity to provide "clear and convincing" evidence that the unfavorable action would have occurred absent the protected conduct. If this evidence is not provided or does not clearly demonstrate the employer's requisite showing, we will then try and achieve a mutually agreeable settlement. If this is not possible, a fact-finding investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions, do not hesitate to call me or our representative at (615) 545-4620, Knoxville, TN.

Sincerely,

George Friday
George Friday
District Director

Enclosures

cc; NRC, Washington
NRC, Atlanta

U.S. Department of Labor

177
Employment Standards Administration
Wage and Hour Division



August 25, 1993

Executive Plaza, Suite 511
1321 Murfreesboro Road
Nashville, TN 37217
(615) 781-5343

Certified #P 091 959 566
Return Receipt Requested

Mr. George M. Gillilan
[REDACTED]

Re: George M. Gillilan:

Dear Mr. Gillilan:

This will acknowledge receipt of your complaint dated August 23, 1993, against the Tennessee Valley Authority, alleging violations of the Energy Reorganization Act, Public Law 95-601, Section 210, 42 USC 5851. Your complaint was received in our Knoxville office on August 25, 1993.

The Act requires the Secretary of Labor to notify the parties named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. Consequently, we are providing the Tennessee Valley Authority with a copy of your complaint and information concerning the Wage and Hour Division's responsibilities under this law. A copy of the pertinent section of the Act and Regulations, 29 CFR Part 24 were mailed to you when your original complaint was acknowledged.

We are considering this new complaint a continuation of the one received June 10, 1993, and the decision by the U. S. Department of Labor will be extended to September 24, 1993.

This case has been assigned to Wage-Hour Investigator Thomas Reesor whose first action will be to try and achieve a mutually agreeable settlement. If this is not possible, a fact-finding investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions, do not hesitate to call me or our representative at (615) 545-4620, Knoxville, TN.

Sincerely,

George Friday
6/29/93

George Friday
District Director

cc: NRC, Washington
NRC, Atlanta

U.S. Department of Labor

January 3, 1994

Employment Standards Administration
Wage and Hour Division
Executive Plaza, Suite 511
1321 Murfreesboro Road
Nashville, TN 37217
(615) 781-5343



Certified #P 091 959 713
Return Receipt Requested

Mr. George M. Gillilan
[REDACTED]

Re: George M. Gillilan v. Tennessee Valley Authority

Dear Mr. Gillilan:

This will acknowledge receipt of two complaints dated December 21, 1993, and December 29, 1993, against the Tennessee Valley Authority, alleging violations of the Energy Reorganization Act, Public Law 95-601, Section 210, 42 USC 5851. The first complaint was received in our Knoxville office on December 27, 1993, and the second on January 3, 1994. With your first complaint you noted you enclosed page one and five Tennessee Valley Authority Acts. We received only your letter, one copy of the Tennessee Valley Act and copies of our decision letters to Mr. Kingsley dated July 17, 1992, and December 3, 1993.

The Act requires the Secretary of Labor to notify the parties named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. Consequently, we are providing the Tennessee Valley Authority with copies of your complaints and information concerning the Wage and Hour Division's responsibilities under this law. We have enclosed a copy of the pertinent sections of the Acts and Regulations, 29 CFR Part 24 for your information.

This case has been assigned to Wage-Hour Investigator Thomas Reesor whose first action will be to try and achieve a mutually agreeable settlement. If this is not possible, a fact-finding investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions, do not hesitate to call me or our representative at (615) 545-4620, Knoxville, TN.

Sincerely,

George Friday
GFM

George Friday
District Director

cc: NRC, Washington
NRC, Atlanta

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



February 2, 1994

1321 Murfreesboro Road, Suite 511
Nashville, TN 37217
(615) 781-5343

Certified No. P 091 959 690
Return Receipt Requested

Mr. George M. Gillilan
[REDACTED]

Re: George M. Gillilan v. Tennessee Valley Authority

Dear Mr. Gillilan:

This letter is to notify you of the results of our compliance actions in the above case. A previous letter was sent to you on January 3, 1994 from this office to acknowledge receipt of two complaints dated December 21, 1993 and December 29, 1993 against Tennessee Valley Authority, alleging violations of the Energy Reorganization Act, Public Law 95-601, Section 210 42 USC 5851. The first complaint was received in our Knoxville office on December 27, 1993 and the second on January 3, 1994. Enclosed is a copy of Regulations, 29 CFR Part 24, and a copy of the pertinent section of the Energy Reorganization Act (ERA).

Our initial efforts to conciliate the matter did not result in a mutually agreeable settlement. A fact-finding investigation was then conducted. Our investigation did not verify that discrimination was a factor in the actions comprising the complaints. Consequently, it is our conclusion that your allegations cannot be substantiated for the following reasons:

- The Department of Labor has no jurisdiction to enforce the requirements of the Tennessee Valley Authority Act;
- This office does not have the authority to require an employer to comply with a District Director's decision; the Secretary of Labor may bring action to comply with a final order of the Secretary, but to date such order has not been issued; and
- There was no evidence to substantiate that TVA's failure to provide you with the overtime work on the dates you specified was motivated by your protected activities.

George M. Gillilan

2

02/02/94

re: George M. Gillilan vs. TVA

This letter is notification to you that if you wish to appeal the above findings, you have a right to a formal hearing on the record. To exercise this right you must within five (5) calendar days of receipt of this letter file your request for a hearing by telegram to:

The Chief Administrative Law Judge
U. S. Department of Labor
Techworld Building, Suite 400
800 K Street, N. W.
Washington, D. C. 20001-8002

Unless a telegram is received by the Chief Administrative Law Judge within the five-day period, this notice of determination will become the Final Order of the Secretary of Labor dismissing your client's complaint. By copy of this letter the Tennessee Valley Authority is being advised of the determination in this case and the right to a hearing. A copy of this letter has also been sent to the Chief Administrative Law Judge with your complaints. If you decide to request a hearing, it will be necessary for you to send copies of the telegram to the Tennessee Valley Authority and to me at the U. S. Department of Labor, Wage and Hour Division, 460 Metroplex Drive, Suite 102, Nashville, TN 37211-3131, (615) 781-5343. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions, do not hesitate to call me.

It should be made clear to all parties that the U. S. Department of Labor does not represent any of the parties in a hearing. The hearing is an adversarial proceeding in which the parties will be allowed an opportunity to present their evidence for the records. The Administrative Law Judge who conducts the hearing will issue a recommended decision to the Secretary based on the evidence, testimony and arguments presented by the parties at the hearing. The Final Order of the Secretary will then be issued after consideration of the Administrative Law Judge's recommended decision and the record developed at the hearing and will either provide for appropriate relief or dismiss the complaint.

Sincerely,

George Friday
CRM

George Friday
District Director

George M. Gillilan

3.

02/02/94

re: George M. Gillilan vs. TVA

cc: The Chief Administrative Law Judge

Mr. O. D. Kingsley, Jr.
President, Generating Group
Tennessee Valley Authority
1101 Market Street, 6A Lookout Place
Chattanooga, TN 37402-2801

Phil Reynolds
Patrick Jordan
George Prosser
Edward Christenbury
Hudson Ragan
NRC, Washington
NRC, Atlanta

TENNESSEE VALLEY AUTHORITY
KNOXVILLE, TENNESSEE 37902

MAR 3 1989

MAR 8 1989

The Honorable Ronnie G. Flippo
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Flippo:

I am glad to respond to your January 23 letter regarding concerns expressed by your constituent, George M. Gillilan.

Mr. Gillilan was directed to transfer to Browns Ferry Nuclear Plant from Watts Bar Nuclear Plant effective August 1, 1988, in accordance with the negotiated union agreement under which he is covered. This was a result of TVA-wide reductions in staffing. Mr. Gillilan has brought his concern of intimidation and harassment to the attention of management. He currently states that this concern no longer exists and has chosen not to provide to management the names of any employees who have intimidated or harassed him. Management has encouraged him to bring to their immediate attention any further incident of this type.

Mr. Gillilan's other concerns are being addressed through TVA's Grievance Adjustment Procedure. TVA management will work with Mr. Gillilan and union representatives to ensure he is treated fairly in accordance with the Union Agreement.

I trust this information will be helpful in your response to Mr. Gillilan.

Sincerely,



W. F. Willis
Executive Vice President and
Chief Operating Officer



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

APR 07 1994

Docket Nos. 50-390
50-391

(10 C.F.R. § 2.206)

George M. Gillilan


Dear Mr. Gillilan:

Your letter, dated February 25, 1994, requesting consideration as a Petition under 10 CFR 2.206 (Petition), has been referred to me for response. This letter acknowledges receipt of your Petition. Your Petition requests that the Nuclear Regulatory Commission (NRC) immediately impose a \$25,000 per day fine on the Tennessee Valley Authority (TVA) until all reprisal, intimidation, harassment and discrimination actions involving you are settled to your satisfaction. While the NRC is evaluating the matters that you have alleged and has not reached any conclusions at this time, there is insufficient evidence to conclude that there is a substantial public health and safety hazard warranting the immediate action you request. Accordingly, your request for immediate action is denied.

Your Petition also requests that the NRC appoint an independent arbitration board to review all past Department of Labor suits and EEO complaints filed against TVA concerning the Watts Bar nuclear plant. Since this request is beyond the scope of the Commission's authority, it is denied.

You seek relief based on allegations that due to your reporting of safety concerns to the NRC, TVA management has subjected you to continuous intimidation, harassment, discrimination and reprisal actions, that your name has been placed on a blackball list that has been circulated nationwide preventing you from obtaining suitable employment outside of TVA and that this has affected your mental and physical health.

The NRC will review your Petition in accordance with 10 CFR 2.206 and will issue a final decision with regard to your Petition within a reasonable time. A copy of the notice that is being filed for publication with the Office of the Federal Register is enclosed for your information. A copy of your Petition will also be sent to TVA, inviting them to respond if they desire. You

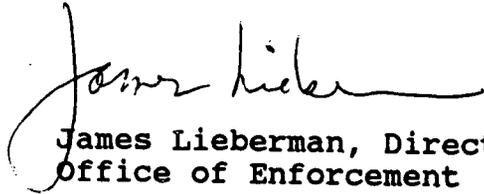
~~94104180011~~

George M. Gillilan

- 2 -

will be provided with a copy of any TVA response received by the NRC and will be given the opportunity to further respond.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Lieberman".

James Lieberman, Director
Office of Enforcement

Enclosure: As Stated

cc: Tennessee Valley Authority

UNITED STATES NUCLEAR REGULATORY COMMISSION

TENNESSEE VALLEY AUTHORITY
WATTS BAR NUCLEAR PLANT

Docket Nos. 50-390 and 50-391

RECEIPT OF PETITION FOR DIRECTOR'S
DECISION UNDER 10 C.F.R. 2.206

Notice is hereby given that by letter dated February 25, 1994 George M. Gillilan (Petitioner) has requested that the Nuclear Regulatory Commission (NRC): (1) immediately impose a \$25,000 per day fine on the Tennessee Valley Authority (TVA) until all reprisal, intimidation, harassment and discrimination actions involving the Petitioner are settled to the Petitioner's satisfaction, and (2) appoint an independent arbitration board to review all past Department of Labor suits and EEO complaints filed against TVA concerning the Watts Bar Nuclear Plant. Since this latter remedy is beyond the scope of the Commission's authority, it has been denied.

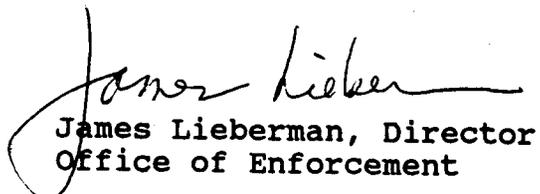
As basis for this relief, the Petitioner asserts that due to his reporting of safety concerns to the Commission, TVA management has subjected him to continuous intimidation, harassment, discrimination and reprisal actions, that his name has been placed on a blackball list that has been circulated nationwide preventing him from obtaining suitable employment outside of TVA and that this has affected his mental and physical health.

The request is being treated pursuant to 10 C.F.R. Section

~~9404180013~~

2.206 of the Commission's regulations. The request has been referred to the Director, Office of Enforcement. By letter dated April 7, 1994, the portion of the Petitioner's request that asked for immediate action has been denied. As provided by § 2.206, appropriate action will be taken on this request within a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555.

FOR THE NUCLEAR REGULATORY COMMISSION


James Lieberman, Director
Office of Enforcement

Dated at Rockville, Maryland
this 7th day of April 1994

George M. Gillilan

- 3 -

bcc w/encls:

NRC Resident Inspector
U.S. Nuclear Regulatory Commission
Route 2, Box 700
Spring City, TN 37381

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OE
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4/6/94

~~D.OE~~
JLieberman
4/6/94