

February 15, 1996

IA 96-005

Mr. Steve Ehele  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: Department of Labor Case No. 93-ERA-044

Dear Mr. Ehele:

On October 30, 1995, the NRC conducted a closed transcribed predecisional enforcement conference with you in the Region II office to discuss alleged discrimination against a former ironworker general foreman, Mr. Douglas Harrison, at Tennessee Valley Authority's (TVA) Browns Ferry Nuclear Plant. The conference was based on the rulings of the Secretary of Labor in a Decision and Order in Department of Labor (DOL) Case 93-ERA-044 which found that Stone & Webster Engineering Corporation (SWEC) discriminated against Mr. Harrison in demoting him and removing him to an outside work crew when he raised and discussed concerns related to firewatch requirements. The predecisional enforcement conference was a joint conference with you, TVA and SWEC. The report summarizing the conference was sent to you by letter dated November 8, 1995.

The Secretary of Labor's Decision and Order indicates that you were involved in the discriminatory acts in this case. During the predecisional enforcement conference, you denied that you engaged in discrimination. After review of the information provided during the conference, we disagree with your argument that Mr. Harrison did not engage in protected activity when he communicated the fire protection concerns of his crews to you after discussing the issue with the TVA fire protection manager. Therefore, the NRC adopts the final Secretary of Labor Decision and Order in this case and finds that the actions taken against Mr. Harrison were in retaliation for his having raised safety concerns.

Based on the Secretary of Labor's findings, we have issued a Notice of Violation and Proposed Imposition of Civil Penalty to TVA and a Notice of Violation to SWEC for a violation of 10 CFR 50.7, which prohibits discrimination by a Commission licensee or by a contractor or subcontractor of a Commission licensee against an employee for engaging in protected activities. Copies of these actions are enclosed for your information.

Consideration was given to issuing a Notice of Violation to you for your involvement in this violation. As a member of management above first line supervision, you were in a position of responsibility that required you to resolve potential safety concerns and ensure that individuals who raise concerns were treated professionally and afforded the protection statutorily conferred by Section 211 of the Energy Reorganization Act. However, on balance, the NRC has decided not to issue an enforcement action to you.

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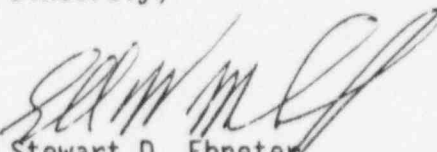
Nevertheless, you should be advised that discrimination against individuals who raise safety concerns will not be tolerated and such conduct on your part in the future could result in significant enforcement action.

You are not required to respond to this letter although you may respond if you so desire. Any response you choose to make should be provided to me within 30 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if any, with your home address deleted will be placed in the NRC Public Document Room (PDR). If you do respond, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding that information from the public.

Should you have any questions concerning this matter, please contact Mr. Bruno Uryc at (404) 331-5505 or Mr. Mark Lesser at (404) 331-0342. Collect calls will be accepted. You may also contact us by calling 1-800-577-8510.

Sincerely,

  
FOR Stewart D. Ebneten  
Regional Administrator

Docket Nos. 50-259, -260, and -296  
License Nos. DPR-33, -52, and -68

Enclosures: As stated

cc w/o encls:  
Stone & Webster Engineering Corporation  
ATTN: Mr. R. E. Kelly  
President  
245 Summer Street  
Boston, Massachusetts 02240

S. Ebele

Distribution w/encl:

PUBLIC  
 JTaylor, EDO  
 JMilhoan, DEDR  
 SEbnetter, RII  
 LChandler, OGC  
 JGoldberg, OGC  
 EJulian, SECY  
 BKeeling, CA  
 Enforcement Coordinators  
   RI, RIII, RIV  
 JLieberman, OE  
 JGray, OE  
 OE:EA File (B. Summers, OE) (2)  
 DRosano, OE  
 EHayden, OPA  
 DDandois, OC  
 LTemper, OC  
 GCaputo, OI  
 EJordon, AEOD  
 LNorton, OIG  
 BUryc, RII  
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 KClark, RII  
 RTrojanowski, RII  
 AGibson, RII  
 MLesser, RII  
 JWilliams, NRR  
 FHebbon, NRR  
 JJohnson, RII  
 SShaeffer, RII  
 CEvans, RII  
 LWatson, RII  
 GHallstrom, RII  
 IMS:RII  
 NUDOCS

NRC Senior Resident Inspector  
 U.S. Nuclear Regulatory Commission  
 10833 Shaw Road  
 Athens, AL 35611

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Signature							
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DATE	02/ /96	02/ /96	02/ /96	02/ /96	02/ /96	02/ /96	
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0199

February 14, 1996

EA 95-220

Tennessee Valley Authority  
ATTN: Mr. Oliver D. Kingsley, Jr.  
President, TVA Nuclear and  
Chief Nuclear Officer  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -  
\$80,000 (Department of Labor Case No. 93-ERA-044)

Dear Mr. Kingsley:

On August 22, 1995, the Secretary of Labor issued a Decision and Order, in Department of Labor (DOL) Case 93-ERA-044, which found that Stone & Webster Engineering Corporation (SWEC) discriminated against Mr. Douglas Harrison, a former ironworker general foreman at Tennessee Valley Authority's (TVA) Browns Ferry Nuclear Plant, when Mr. Harrison was demoted because he raised concerns related to firewatch requirements. In addition, the Secretary of Labor found that the removal of Mr. Harrison to an outside work crew was also discriminatory and that Mr. Harrison's discussion with other ironworkers regarding management's lack of response to the fire protection concerns constituted protected activity. This Decision and Order overturned the DOL Administrative Law Judge's Recommended Decision and Order issued on November 8, 1994. The apparent violation and a copy of the Secretary of Labor's Decision and Order were transmitted to you by letter dated October 18, 1995. The information reviewed in this case included the record developed by the NRC Office of Investigations. A closed transcribed predecisional enforcement conference was conducted in the Region II office on October 30, 1995, to discuss the apparent violation, the root causes, and your corrective actions to preclude recurrence. The predecisional enforcement conference was a joint conference with TVA, SWEC, and the individual supervisor involved in this case. The report summarizing the conference was sent to you by letter dated November 8, 1995.

Based on the Secretary of Labor's decision, the NRC has concluded that a violation of NRC requirements occurred in this case; specifically, a violation of 10 CFR 50.7, which prohibits discrimination against an employee for engaging in activities protected by Section 211 of the Energy Reorganization Act (ERA). The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer. The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice).

While discrimination against any person for engaging in protected activities is cause for concern to the NRC, this violation is considered to be a

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significant regulatory concern because it involved discrimination against an employee by a contract manager substantially above a first line supervisor. Licensees have a primary responsibility for ensuring that all employees engaged in or affiliated with licensed activities, including contract employees, can raise safety concerns in a work environment conducive to such protected activity and free of fear from retaliation. During the conference, your staff denied the violation. Despite that denial, it is our view, based on the Secretary of Labor decision, that the facts support the conclusion that SWEC's Chief Construction Supervisor violated the regulations applicable to employee protection in the wrongful demotion and transfer of Mr. Harrison. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy, NUREG-1600), at Severity Level II.

In accordance with the Enforcement Policy, a base civil penalty is considered for a Severity Level II violation and the *Identification and Corrective Actions* factors were considered. In this case, the NRC has concluded that it would not be appropriate to give credit for identification because the licensee did not identify the violation. Your corrective actions in response to this matter were also considered, which included an investigation of the complaint by TVA's Office of Inspector General (TVA/OIG) at the time the DOL complaint was filed and a September 19, 1995 letter issued to SWEC requesting a written response regarding SWEC's actions to ensure no chilling effect resulted from this case. In addition, the NRC conducted surveys of SWEC employees in late 1993 and the TVA/OIG conducted surveys in July 1994 and September 1995 and it appeared, in both sets of surveys, that employees generally felt free to raise safety concerns. SWEC also conducted additional periodic surveys, issued memoranda to its staff, and included information on the employee concerns programs in meetings with its staff with the most recent meeting occurring after the Secretary of Labor's Decision and Order. Finally, and importantly, SWEC has indicated that it has undertaken to compensate Mr. Harrison in compliance with the Secretary of Labor's Decision and Order. In view of these responses, we believe credit is warranted for corrective action.

Therefore, to emphasize the importance of maintaining an environment where licensee and contractor employees feel free to raise safety concerns without fear of retaliation, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 for this Severity Level II violation.

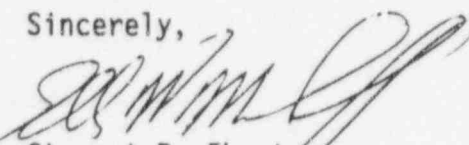
The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved has already been adequately addressed during the predecisional enforcement conference and in your letter of January 4, 1996. Therefore, you are not required to respond to this letter on these issues, unless the information you have provided does not accurately reflect your corrective actions or your position. You are required to respond to the proposed imposition of civil penalty and should do so in accordance with the instructions in the Notice of Violation.



In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

We acknowledge that SWEC has stated that they will appeal the Secretary of Labor's Decision and Order in this case. In the event the Secretary of Labor's Decision and Order is reversed, reconsideration of this enforcement action would be appropriate.

Sincerely,

  
for Stewart D. Ebnetter  
Regional Administrator

Docket Nos. 50-259, -260, and -296  
License Nos. DIR-33, -52, and -68

Enclosure: Notice of Violation and Proposed Imposition  
of Civil Penalty

cc w/encl:

Mr. O. J. Zeringue, Senior Vice President  
Nuclear Operations  
Tennessee Valley Authority  
3B Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Dr. Mark O. Medford, Vice President  
Engineering and Technical Services  
Tennessee Valley Authority  
3B Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. D. E. Nunn, Vice President  
New Plant Completion  
Tennessee Valley Authority  
3B Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

cc w/encl (cont'd on Page 4)

TVA

- 4 -

cc w/encl: (cont'd)  
Mr. P. P. Carier, Manager  
Corporate Licensing  
Tennessee Valley Authority  
4G Blue Ridge  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. T. D. Shriver, Manager  
Nuclear Assurance and Licensing  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P. O. Box 2000  
Decatur, AL 35602

Mr. Pedro Salas  
Site Licensing Manager  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P. O. Box 2000  
Decatur, AL 35602

Mr. R. D. Machon, Site Vice President  
Browns Ferry Nuclear Plant  
Tennessee Valley Authority  
P. O. Box 2000  
Decatur, AL 35602

TVA Representative  
Tennessee Valley Authority  
11921 Rockville Pike  
Suite 402  
Rockville, MD 20852

General Counsel  
Tennessee Valley Authority  
ET 11H  
400 West Summit Hill Drive  
Knoxville, TN 37902

Chairman  
Limestone County Commission  
310 West Washington Street  
Athens, AL 35611

State Health Officer  
Alabama Department of Public Health  
434 Monroe Street  
Montgomery, AL 36130-1701

NOTICE OF VIOLATION  
AND PROPOSED IMPOSITION OF CIVIL PENALTY

Tennessee Valley Authority  
Browns Ferry Nuclear Plant  
Units 1, 2 and 3

Docket Nos. 50-259, -260 and -425  
License Nos. DPR-33, 58, and 68  
EA 95-220

As a result of review of a Secretary of Labor Decision and Order dated August 22, 1995 (93-ERA-044), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.7 prohibits discrimination by a Commission licensee or a contractor or subcontractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer.

Contrary to the above, on February 2 and 4, 1993, the licensee failed to ensure that the provisions of 10 CFR 50.7 were implemented in that Stone & Webster Engineering Corporation, a contractor to the Tennessee Valley Authority at the Browns Ferry Nuclear Plant, discriminated against Mr. Douglas Harrison for engaging in protected activities. Specifically, as determined by the Secretary of Labor, Stone & Webster Engineering Corporation demoted Mr. Harrison and transferred him to a different position because he raised concerns related to firewatch requirements. (01012)

This is a Severity Level II violation (Supplement VII).  
Civil Penalty - \$80,000.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved has already been adequately addressed. However, Tennessee Valley Authority (Licensee) is required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty if the statements made during the predecisional enforcement conference concerning these matters do not accurately reflect its corrective actions or its position. Within the same time as provided for the response noted above, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the

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violation(s) listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Because the response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if the Licensee finds it necessary to include such information, it should clearly indicate the specific information that it desires not to be placed in the PDR, and provide the legal basis to support the request for withholding the information from the public.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, a response to this Notice shall be submitted under oath or affirmation.

Dated at Atlanta, Georgia  
this 14<sup>th</sup> day of February 1996



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0199

February 14, 1996

EA 95-190

Stone & Webster Engineering Corporation  
ATTN: Mr. R. E. Kelly  
President  
245 Summer Street  
Boston, Massachusetts 02240

SUBJECT: NOTICE OF VIOLATION  
(Department of Labor Case No. 93-ERA-044)

Dear Mr. Kelly:

On August 22, 1995, the Secretary of Labor issued a Decision and Order, in Department of Labor (DOL) Case 93-ERA-044, which found that Stone & Webster Engineering Corporation (SWEC) discriminated against Mr. Douglas Harrison, a former ironworker general foreman at Tennessee Valley Authority's (TVA) Browns Ferry Nuclear Plant, when Mr. Harrison was demoted because he raised concerns related to firewatch requirements. In addition, the Secretary of Labor found that the removal of Mr. Harrison to an outside work crew was also discriminatory and that Mr. Harrison's discussion with other ironworkers regarding management's lack of response to the fire protection concerns constituted protected activity. This Decision and Order overturned the DOL Administrative Law Judge's Recommended Decision and Order issued on November 8, 1994. The apparent violation and a copy of the Secretary of Labor's Decision and Order were transmitted to you by letter dated October 18, 1995. The information reviewed in this case included the record developed by the NRC Office of Investigations. A closed transcribed predecisional enforcement conference was conducted in the Region II office on October 30, 1995 to discuss the apparent violation, the root causes, and your corrective actions to preclude recurrence. The predecisional enforcement conference was a joint conference with TVA, SWEC, and the individual supervisor involved in this case. The report summarizing the conference was sent to you by letter dated November 8, 1995.

Based on the Secretary of Labor's decision, the information developed during our review and the information you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). The violation involved discrimination against Mr. Harrison by management above first line supervision. Under 10 CFR 50.7, discrimination by a contractor of a Commission licensee against an employee for engaging in activities protected by Section 211 of the Energy Reorganization Act (ERA) is prohibited. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer.

While discrimination against any person for engaging in protected activities is cause for concern to the NRC, this violation is considered to be a

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significant regulatory concern because it involved discrimination against an employee by management substantially above first line supervision.

During the conference, your staff denied the violation. The Secretary of Labor disagreed with your argument that Mr. Harrison did not engage in protected activity when he communicated the fire protection concerns of his crew to your Chief Construction Supervisor after discussing the issue with the TVA fire protection manager. The NRC concurs with the Secretary of Labor's final Decision and Order in this case finding that actions taken against Mr. Harrison were in retaliation for his having raised safety concerns. We conclude that the facts support the conclusion that your Chief Construction Supervisor violated the regulations applicable to employee protection in the wrongful demotion and transfer of Mr. Harrison.

Therefore, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice categorized at a Severity Level II to emphasize the importance of ensuring that employees who raise real or perceived safety concerns are not subject to discrimination for raising those concerns and that every effort is made to provide an environment in which all employees may freely identify safety concerns without fear of retaliation or discrimination.

During the conference, your staff described those actions taken by SWEC as a result of this violation. Those actions taken in 1993 after Mr. Harrison's complaint was filed included: (1) a review by the SWEC employee concerns representative of the fire protection technical concerns; (2) a memorandum from SWEC management advising supervisors and managers of their responsibilities in the area of employee protection; (3) discussion at tool box meetings and in the SWEC "Heads Up" Bulletin of employee rights to raise safety concerns; (4) conduct of a survey to test employees' knowledge and use of the employee concerns program; and (5) discussion of craft unions' awareness of methods to report concerns during a meeting with union representatives. SWEC also conducted additional periodic surveys, issued memoranda to their staff, and included information on the employee concerns programs in meetings with their staff with the most recent meeting occurring after the Secretary of Labor's Decision and Order.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Specifically, as a major contractor to Commission licensees, it is important that our supervisors and managers fully understand that employees should be free to raise concerns and that discrimination will not be tolerated. Therefore, you are required to provide a written response addressing the actions taken or planned to assure that your managers working on contracts for Commission licensees have received adequate training in implementation of the requirements of Section 211 of the Energy Reorganization Act and 10 CFR 50.7. In addition, while the NRC has conducted surveys of SWEC employees in late 1993 and September 1995 which indicated that employees generally felt free to

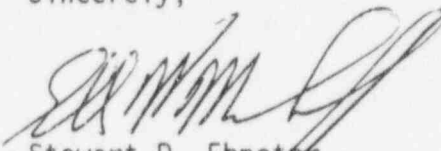
raise safety concerns, your response should describe the action taken or planned to assure that this specific employment action did not have a chilling effect in discouraging other SWEC employees from raising real or perceived safety concerns. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

We acknowledge that your staff stated that SWEC will appeal the Secretary of Labor's Decision and Order in this case. In the event the Secretary of Labor's Decision and Order is reversed, reconsideration of this enforcement action would be appropriate.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Sincerely,

  
FOR Stewart D. Ebner  
Regional Administrator

Docket No. 9999

Enclosure: Notice of Violation

cc w/encl:  
Tennessee Valley Authority  
ATTN: Mr. Oliver D. Kingsley, Jr.  
President, TVA Nuclear and  
Chief Nuclear Officer  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801



NOTICE OF VIOLATION

Stone and Webster Engineering Corporation  
Boston, Massachusetts

Docket No. 9999  
EA 95-190

As a result of review of a Secretary of Labor Decision and Order dated August 22, 1995 (93-ERA-044), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.7 prohibits discrimination by a Commission licensee or a contractor or subcontractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer.

Contrary to the above, on February 2 and 4, 1993, Stone & Webster Engineering Corporation, a contractor with the Tennessee Valley Authority at the Browns Ferry Nuclear Plant, discriminated against Mr. Douglas Harrison for engaging in protected activities. Specifically, as determined by the Secretary of Labor, Stone & Webster Engineering Corporation demoted Mr. Harrison and transferred him to a different position because he raised concerns related to firewatch requirements. (01012)

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Stone & Webster Engineering Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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Notice of Violation

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Under the authority of Section 182 of the Act, 42 U.S.C. 2232, a response to this Notice shall be submitted under oath or affirmation.

Dated at Atlanta, Georgia  
this 14th day of February 1996