



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

MAR 16 1988

Docket Nos. 50-327/328

Mr. S. A. White  
Manager of Nuclear Power  
Tennessee Valley Authority  
6N 38A Lookout Place  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

Dear Mr. White:

SUBJECT: LETTER FROM BENNIE L. EDWARDS, AREA DIRECTOR, DEPARTMENT OF  
LABOR RE ANDREW BARTLIK V. TENNESSEE VALLEY AUTHORITY

On January 26, 1988, Mr. Andrew Bartlik filed a complaint with the Secretary of Labor under the Energy Reorganization Act, Public Law 95-601, Section 210, 42 U.S.C. 5851. In his complaint, Mr. Bartlik alleged that TVA refused to extend or renew Mr. Bartlik's contract in retaliation for his identification of problems with TVA's Appendix R program at Sequoyah.

On March 11, 1988, the Area Director of the Wage and Hour Division of the U.S. Department of Labor (DOL) notified you of the results of its investigation in the above-captioned case. The DOL Area Director concluded that Mr. Bartlik was discriminated against by TVA's refusal to extend or renew his contract "because of his identification of problems with TVA's Appendix R program at Sequoyah Nuclear Plant and because of his vigorous approach to the raising of nuclear safety issues."

Although the NRC recognizes that you will likely appeal the Area Director's determination, the NRC is concerned that a violation of the employee protection provision set forth in 10 CFR 50.7 may have occurred and that the actions taken against Mr. Bartlik may have had a chilling effect on other licensee or contractor personnel regardless of whether a violation occurred. These issues are of particular concern to the NRC in view of the fact that some of Mr. Bartlik's technical allegations have been substantiated during the NRC's review of the allegations.

Therefore, you are requested to provide this office, within five days of the date of this letter, a response which:

1. Provides the basis for the employment action regarding Mr. Bartlik; and
2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising safety concerns.

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After reviewing your response, the NRC will determine whether enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice", Part 2, Title 10, Code of Federal Regulations, a copy of this letter will be placed in the NRC Public Document Room.

The response requested by this letter is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

original signed by  
Stewart D. Ebnetter, Director  
Office of Special Projects

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Mr. S. A. White  
Tennessee Valley Authority

Sequoyah Nuclear Plant

cc:  
General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
E11 B33  
Knoxville, Tennessee 37902

Regional Administrator, Region II  
U.S. Nuclear Regulatory Commission  
101 Marietta Street, N.W.  
Atlanta, Georgia 30323

Mr. R. L. Gridley  
Tennessee Valley Authority  
5N 157B Lookout Place  
Chattanooga, Tennessee 37402-2801

Resident Inspector/Sequoyah NP  
c/o U.S. Nuclear Regulatory Commission  
2600 Igou Ferry Road  
Soddy Daisy, Tennessee 37379

Mr. H. L. Abercrombie  
Tennessee Valley Authority  
Sequoyah Nuclear Plant  
P.O. Box 2000  
Soddy Daisy, Tennessee 37379

Mr. Richard King  
c/o U.S. GAO  
1111 North Shore Drive  
Suite 225, Box 194  
Knoxville, Tennessee 37919

Mr. M. R. Harding  
Tennessee Valley Authority  
Sequoyah Nuclear Plant  
P.O. Box 2000  
Soddy Daisy, Tennessee 37379

Tennessee Department of  
Public Health  
ATTN: Director, Bureau of  
Environmental Health Services  
Cordell Hull Building  
Nashville, Tennessee 37219

Mr. D. L. Williams  
Tennessee Valley Authority  
400 West Summit Hill Drive  
W10 B85  
Knoxville, Tennessee 37902

Mr. Michael H. Mobley, Director  
Division of Radiological Health  
T.E.R.R.A. Building  
150 9th Avenue North  
Nashville, Tennessee 37203

County Judge  
Hamilton County Courthouse  
Chattanooga, Tennessee 37402

Dr. Henry Myers, Science Advisor  
Committee on Interior  
and Insular Affairs  
U.S. House of Representatives  
Washington, D.C. 20515

Ms. Lynne Bernabei  
Bernabei & Katz  
1773 T Street, N.W.  
Washington, D.C. 20009