



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-3415

November 10, 1999

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

SUBJECT: DEPARTMENT OF LABOR (DOL) CASE (DONALD C. SMITH VS. TENNESSEE
VALLEY AUTHORITY)

Mr. Scalice:

On April 15, 1999, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) in Birmingham, Alabama, received a discrimination complaint filed by Mr. Donald Smith, an employee of Tennessee Valley Authority's (TVA) Browns Ferry Nuclear Plant. On July 22, 1999, you were advised that the NRC's Office of Investigations (OI) had completed an investigation of the complaint which did not substantiate that discrimination occurred. However, you were advised that NRC would hold its judgement on whether or not enforcement action was warranted in this matter until after a final decision by DOL.

On October 14, 1999, the DOL OSHA Regional Supervisory Investigator issued a letter indicating that discussions and negotiations have resulted in an amicable settlement of the complaint. Based on the fact that the settlement met the requirements of 10 CFR 50.7, the NRC staff's monitoring of DOL activities has been completed.

This concludes the NRC's activities regarding this matter. If you have any questions regarding this case, you may contact me at 404-562-4421, or by mail at P.O. Box 845, Atlanta, GA 30301.

Sincerely,

Anne T. Boland
Enforcement Officer
Enforcement and Investigations
Coordination Staff

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

PDR ADOCK

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