

May 4, 2001
EN 00-002A

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Tennessee Valley Authority (EA 99-234)
Sequoyah, Browns Ferry, and Watts Bar Nuclear Plants
Docket Nos. 050-327, 50-328, 50-259, 50-260, 50-296, 50-390

Subject: IMPOSITION OF CIVIL PENALTY - \$110,000

By EN 00-002, dated February 2, 2000, the Commission was notified of the intent of OE to issue a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$110,000 to Tennessee Valley Authority (TVA). This action was based on a Severity Level II violation of the NRC's employee protection regulation (10 CFR 50.7) which occurred at TVA's corporate offices in July 1996. The Notice of Violation was issued on February 7, 2000, and TVA replied on January 22, and March 9, 2001, denying the violation and protesting the imposition of a civil penalty.

The staff determined that TVA management discriminated against a former corporate employee for engaging in protected activities. The protected activities involved identification of chemistry related concerns in 1991-1993 and a previous 1993 Department of Labor complaint. In July 1996, TVA eliminated the individual's position of Chemistry and Environmental Protection Program Manager, as part of a corporate reorganization, and subsequently took action to ensure that he was not selected for one of two newly created Chemistry Program Manager positions. After careful consideration of the licensee's response, the staff has concluded that the violation did occur as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty.

Accordingly, an Order Imposing Civil Monetary Penalty in the amount of \$110,000 has been issued today. Under the terms of the Order, the licensee may, within 30 days of the date of the Order, pay the civil penalty or request a hearing.

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