

January 27, 1997

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: BROWNS FERRY NUCLEAR PLANT: ALLEGED DISCRIMINATION AGAINST A  
FORMER STONE & WEBSTER IRON WORKER (OFFICE OF INVESTIGATIONS CASE  
NUMBER 2-96-008)

Dear Mr. Kingsley:

Enclosed for your information is the synopsis of the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed report regarding alleged discrimination against Stone & Webster Engineering Corporation by an employee at the Browns Ferry Nuclear Plant, who filed a complaint with the U.S. Department of Labor.

OI determined that there was insufficient evidence to substantiate the allegation of discrimination. We plan no further action with regard to this matter. Should you have any questions concerning this letter, please contact us.

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 and the enclosure will be placed in the Public Document Room.

Sincerely,

**Original Signed by**  
**M. S. Lesser**

Mark S. Lesser, Chief  
Reactor Projects Branch 6  
Division of Reactor Projects

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

Enclosure: Investigative Synopsis,  
OI Case No. 2-96-008

cc w/encl: (See page 2)

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## SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II, on March 18, 1996, to determine whether the Stone and Webster Engineering Corporation (SWEC) illegally discriminated against an ironworker formerly employed by SWEC at the Browns Ferry Nuclear Plant (BFN) operated by the Tennessee Valley Authority (TVA), an NRC licensee. A complaint to the Department of Labor (DOL) Wage and Hour Division was filed on behalf of the complainant/allegor on February 23, 1996. The complaint alleged that since being laid off by SWEC after raising concerns about fire watch procedures in 1993, he was not rehired by SWEC during several work callbacks at BFN, despite being trained and at least as qualified as the ironworkers who were recalled. It was alleged that the failure to rehire him was an act of retaliation and ongoing discrimination by SWEC.

The complaint was investigated by the DOL Wage and Hour Division which issued an investigative finding that SWEC presented clear and convincing evidence the company did not discriminate against the complainant. The finding in favor of SWEC was appealed by the allegor and the matter was assigned to a DOL Administrative Law Judge for adjudication. Prior to the formal ALJ hearing, both parties submitted a mutual, voluntary stipulation of dismissal of the complaint with prejudice. The stipulation was accepted by DOL and the complaint was ordered dismissed on September 27, 1996.

An investigation of the discrimination complaint was also conducted by the TVA Office of the Inspector General (TVA/OIG). The TVA/OIG investigation determined that there was insufficient evidence to conclude that SWEC had not rehired the allegor at BFN since 1993 in retaliation for his expression of a safety concern.

Based on the evidence and documentation reviewed by OI, the allegation that SWEC illegally discriminated against the allegor was not substantiated.