



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

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