

February 2, 2000
EN 00-002

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. 50-327, 50-328, 50-259, 50-260, 50-296, 50-390

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
\$110,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$110,000 will be issued on or about February 7, 2000, to the Tennessee Valley Authority (TVA). The action is based on a Severity Level II violation involving the failure to comply with the requirements of 10 CFR 50.7, Employee Protection. Specifically, TVA discriminated against a former corporate employee due, at least in part, to his engaging in protected activities. 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 the two newly created positions of Chemistry Program Manager. The former employee's protected activities involved identification of previous chemistry related concerns in 1991-1993 and a previous 1993 Department of Labor complaint.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$88,000 is considered for a Severity Level II violation. Because the violation is characterized at Severity Level II, the NRC considered whether credit was warranted for Identification and Corrective Action in accordance with the civil penalty assessment process described in Section VI.B.2 of the Enforcement Policy. The NRC staff determined that the licensee did not warrant credit for Identification in that the violation was identified as a result of an NRC investigation. Credit was also determined to not be warranted for Corrective Action in that the licensee denied the occurrence of the violation and to date, has not taken any specific corrective action to address the root and contributing causes nor taken action to prevent recurrence. This assessment resulted in a civil penalty of two times the base civil penalty; however, the statutory daily maximum of \$110,000 is proposed for the violation. Severity Level II violations are also being issued to the two managers directly involved in the discrimination.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notices	February 7, 2000
Telephone Notification of Licensee	February 7, 2000

The State of Tennessee will be notified.

Contacts: A. Boland, RII, 404-562-4421 M. Stein, OE, 301-415-1688

PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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