

Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

John A. Scalice
Chief Nuclear Officer and Executive Vice President, TVA Nuclear

March 24, 2000

Mr. R. W. Borchardt
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Borchardt:

**U. S. DEPARTMENT OF LABOR (DOL) CASE NOS. 1997-ERA-0053 AND
1999-ERA-0025 (CURTIS C. OVERALL VS. TENNESSEE VALLEY
AUTHORITY)**

This responds to your letter to me dated March 14, 2000, regarding the status of the subject cases and the NRC's request that TVA consider waiving the five year Statute of Limitations for the issues raised in DOL Case No. 1997-ERA-0053. Upon consideration of NRC's request, TVA has decided to waive the Statute of Limitations in order to allow the NRC to continue to defer enforcement action in this matter.

TVA would like to clarify one point regarding NRC's description of the matters pending before the DOL's Administrative Review Board (ARB). ARB No. 98-111 is TVA's petition for review of the liability finding in the April 1, 1998 recommended decision and order (RDO) issued by the Administrative Law Judge (ALJ) in No. 1997-ERA-0053. ARB No. 98-128 is Mr. Overall's cross-petition for review of the ALJ's award of attorney's fees and costs. While ARB Nos. 98-111 and 98-128 have been pending, Mr. Overall has filed a motion to remand No. 1997-ERA-0053 to the ALJ for reconsideration of the relief awarded in the RDO. This motion to remand, as opposed to the petition in ARB No. 98-128, raised issues about alleged instances of harassment

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Mr. Overall says he was subjected to after the date of the RDO. TVA has also moved to remand the case to the ALJ because of questions about Mr. Overall's credibility which have developed due to his allegations of additional harassment. As you are aware, the ARB has not ruled on ARB Nos. 98-111, 98-128, or the cross motions to remand.

If you have any questions regarding the above, please call Edward J. Vigluicci at (865) 632-7317.

Sincerely



John A. Scalice

cc: Mr. Luis Reyes, Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
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61 Forsyth Street, SW, Suite 23T85
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