



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

June 28, 2000

Carolina Power and Light Company  
ATTN: Mr. J. S. Keenan  
Vice President  
Brunswick Steam Electric Plant  
P. O. Box 10429  
Southport, NC 28461

SUBJECT: DEPARTMENT OF LABOR (DOL) CASE NO. 96-ERA-043 AND 98-ERA-024 -  
MAGED F. GABALLA VS. CAROLINA POWER & LIGHT COMPANY (CP&L)

Dear Mr. Keenan:

The purpose of this letter is to inform you of the Nuclear Regulatory Commission's (NRC) completion of activities related to the subject discrimination complaints. Mr. Gaballa filed two discrimination complaints, in 1996 and 1997, against CP&L while he was employed at the Brunswick Steam Electric Plant.

The NRC's Office of Investigations reviewed both complaints, and CP&L was notified of the results of the investigations by letters dated September 5, 1997, and June 16, 1998. OI did not substantiate that discrimination occurred. CP&L was also advised that the NRC would continue to monitor the DOL's activities regarding these discrimination cases.

On March 23, 1999, the DOL Administrative Law Judge (ALJ) issued a Recommended Decision and Order (RDO) Approving Settlement Agreement and General Release and Dismissing Complaints with Prejudice in these two discrimination cases, approving the settlement of Mr. Gaballa's two DOL complaints with CP&L.

After receiving notice that the settlement agreement had been approved, Mr. Gaballa's previous attorney asserted a lien against the settlement for attorney's fees. In response, the ALJ vacated the March 23, 1999, RDO, and ordered Mr. Gaballa's previous attorney to show cause why approval of the March 23, 1999, settlement should not be reinstated. The parties filed several letters, motions, and replies in response. By letter dated May 23, 2000, DOL's Administrative Review Board (ARB) issued its Final Order Granting Motion to Strike the Petition for Review and Dismissing the Complaint, and closed ARB Case No. 99-090 (Administrative Law Judge Case Nos. 96-ERA-43 and 98-ERA-24).

Based on the DOL's case closure of the discrimination complaints and our determination that the settlement agreement met the requirements of 10 CFR 50.7, this completes the NRC staff's monitoring of DOL activities. We plan no further action in this matter; however, if you have any questions regarding this case, you may contact me at 404-562-4421, or at the above address.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html>  
(the Public Electronic Reading Room).

Sincerely,

***/RA/***

Anne T. Boland  
Enforcement Officer

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