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W. G. Hurston, III
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March 14, 1989

Mr. Stewart Ebnetter
Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street, N. W.
Atlanta, Georgia 30323

Dear Mr. Ebnetter:

This letter responds to your letter, dated February 13, 1989, concerning a complaint filed with the United States Department of Labor's Wage and Hour Division by two employees of Georgia Power Company.

Enclosed with this letter is a response which specifically addresses the alleged adverse employment action, as requested. The balance of this letter provides additional background information which we hope you will find helpful. The complaint, by its terms, as investigated by the Wage and Hour Division and pursued by petitioners, centers on alleged discrimination against the petitioners by failing to transfer the petitioners to a newly-formed Southern Nuclear Operating Company ("SONOPCO") project in Birmingham and, instead, transferring the petitioners into the non-nuclear security department, located in Atlanta. The petitioners allege this constituted adverse employment action and resulted from their voicing concerns related to security practices at Plant Vogtle and Plant Hatch. We note that the petitioners identified various activities in addition to their transfer within Georgia Power in support of their claim; however, we view these additional allegations as ancillary, tangential or proffered in support of their transfer allegation.

The Wage and Hour Division letter, dated December 2, 1988, followed an expedited fact-based review by a Department of Labor investigator operating under the constraints of a 30-day time limit that included the Thanksgiving holiday. The petitioners demanded strict compliance with this time limit, even though an extension, we understand, was requested by the investigator, and Georgia Power had offered to waive all issues of timeliness in order to allow a full and fair investigation. As a result, the Department of Labor's December 2, 1988 determination was limited to "evidence to date," rather than a full evidentiary inquiry. The government investigators maintained that budgetary reasons precluded them from traveling beyond Atlanta, so they never spoke with any personnel assigned to Plant Vogtle or stationed in Birmingham. They briefly spoke with Mr. R. P. McDonald over the telephone, but they never met with him. When corporate counsel suggested meeting with other witnesses who could be brought to Atlanta, the investigators turned down the offer.

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