

January 12, 1996

EA 95-277

Georgia Power Company
ATTN: Mr. W. George Hairston, III
Executive Vice President
Post Office Box 1295
Birmingham, Alabama 35201

SUBJECT: DEPARTMENT OF LABOR CASE NOS. 91-ERA-01 and 91-ERA-11

Dear Mr. Hairston:

By letter dated December 21, 1995, you requested that the Nuclear Regulatory Commission (NRC) defer the response to an apparent violation related to the subject Department of Labor (DOL) case, until your Motion to Reopen the Record and for Further Hearings filed with DOL on December 13, 1995 is finalized. The apparent violation of 10 CFR 50.7, Employee Protection, which was identified in our letter to you dated December 12, 1995, involved GPC's termination of Mr. Allen Mosbaugh. The Secretary of Labor, in his Decision and Remand Order dated November 20, 1995, concluded that Georgia Power terminated Mr. Mosbaugh for engaging in protected activities. We have reviewed your request and the Motion to Reopen that you filed with the Secretary of Labor and we have concluded that deferral of the response to the apparent violation is not warranted. Therefore, we request you to comply with our letter of December 12, 1995 which required a response to the apparent violation.

In your letter of December 21, 1995, you stated that although you agreed that a predecisional enforcement conference was not needed in this case, Georgia Power would like an opportunity to address the NRC with regard to the Secretary of Labor's Decision and Remand Order and point out other relevant information that the NRC should reconsider prior to an enforcement decision. Therefore, as discussed in a January 11, 1996 telephone call between Mr. C. K. McCoy, Vice President, Vogtle Project, and Mr. Pierce Skinner of the NRC, your response to the apparent violation should be submitted by January 19, 1996. Your response should explain your views on the apparent violation, its root causes, and a description of planned corrective actions. In addition, you may point out any disagreement with the facts and findings presented in the Secretary of Labor's decision and any other information you consider relevant to the NRC's enforcement decision. We also understand that you will address the NRC's concern with regard to the potential chilling effect associated with the Secretary of Labor's decision by January 19, 1996.

Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been sought and granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference. You will be advised by separate correspondence of the results of our deliberations on this matter.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The response to the apparent violation is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Should you have any questions concerning this letter, please contact Mr. Pierce Skinner at (404) 331-6299 as soon as possible.

Sincerely,

Original Signed by
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

Docket Nos. 50-424, 50-425
License Nos. NPF-68, NPF-81

cc:

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