



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 1, 1996 Board Notification 96-01

50-424/425

MEMORANDUM TO: Atomic Safety and Licensing Board
and All Parties

FROM: *for* Eugene V. Imbro, Acting Director *Robert Martin*
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

SUBJECT: SUPPLEMENTAL INFORMATION POTENTIALLY RELEVANT AND MATERIAL
TO BOARD PROCEEDING IN THE MATTER OF VOGTLE ELECTRIC
GENERATING PLANT, UNITS 1 AND 2

In conformance with the Commission's policy on notification of the Licensing Board of new, relevant, and material information, this memorandum provides the information discussed below.

The Board has pending before it a contention challenging the application of Georgia Power Company (GPC) to authorize Southern Nuclear Operating Company, Inc. (Southern Nuclear), a subsidiary of The Southern Company, to operate the Vogtle Electric Generating Plant, Units 1 and 2. One of the issues involves a challenge whether Southern Nuclear possesses the requisite character, competence and integrity, as well as the necessary candor, truthfulness and willingness to abide by regulatory requirements.

On November 20, 1995, the Secretary of Labor issued a Decision and Remand Order in Department of Labor (DOL) Case Nos. 91-ERA-01 and 91-ERA-11 that concluded that GPC managers discriminated against one of their employees, Mr. Allen Mosbaugh. By Board Notification (BN) 95-18 dated December 19, 1995, the NRC Staff forwarded to the Board and Parties copies of the Staff's December 12, 1995, letter informing GPC that this apparent violation of 10 CFR 50.7 was being considered for escalated enforcement action and requesting that GPC respond to the apparent violation and to the potential chilling effect of the apparent violation and the Secretary's findings. In BN 95-18 the NRC Staff also noted that on December 13, 1995, GPC had filed with DOL's Office of Administrative Appeals "Respondent Georgia Power Company's Motion To Reopen The Record And For Further Hearings" (see J. Lamberski's letter of December 19, 1995, to the Board).

In a letter on January 12, 1996 (Enclosure 1), the NRC Staff rejected a GPC request of December 21, 1995 (Enclosure 2), to defer it's response to the apparent violation until the Motion to Reopen and certain anticipated actions are finalized. Subsequently, on January 19, 1996, GPC responded in a letter (Enclosure 3) denying the apparent violation, addressing the potential chilling effects associated with the termination of Mr. Mosbaugh's employment

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February 1, 1996

and the Secretary's finding, and providing GPC's views and a root cause evaluation. (Because the Motion to Reopen (Attachment 1 to Enclosure 3) is voluminous and was previously forwarded to the Board by Mr. Lamberski on December 19, 1995, it is not included in this BN).

This information is being brought to the attention of the Licensing Board and All Parties, as it may be relevant and material to issues pending before the Licensing Board.

Docket Nos. 50-424-OLA-3 and
50-425-OLA-3

Enclosures:

1. S. Ebnetter letter to W. Hairston, 1/12/96
2. W. Hairston letter to S. Ebnetter, 12/21/95
3. W. Hairston letter to S. Ebnetter, 1/19/96

cc w/encls:
See next page

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DATE	1/31/96	1/31/96	1/31/96	1/31/96	1/21/96	1/31/96
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* 01/31/96 e-mail concurrence by J.Gray,OE for J.Lieberman,OE DS/H

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Board Notification: 96-01

Dated: February 1, 1996

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BOARD NOTIFICATION NO. 96-01

GEORGIA POWER COMPANY, *et al.*
(Vogtle Electric Generating Plant, Units 1 and 2)
Docket Nos. 50-424-OLA-3, 50-425-OI.A-3

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WASHINGTON, D.C. 20565-0001

February 1, 1996 Board Notification 96-01

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
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ATLANTA, GEORGIA 30323-0189

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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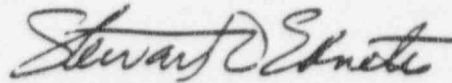
Enclosure 1

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,



Stewart D. Ebnetter
Regional Administrator

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

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