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NRC STAFF ISSUES NOTICES OF VIOLATION TO GEORGIA POWER COMPANY
FOLLOWING PERSONNEL DISCRIMINATION RULINGS BY SECRETARY OF
LABOR

The Nuclear Regulatory Commission staff has cited Georgia Power Company for two violations of NRC requirements for discrimination against employees engaged in protected activities related to safety concerns at nuclear power plants.

NRC officials said the violations, cited following decisions by the Secretary of Labor in favor of two former company employees, were each determined to be Severity Level 1, the most serious of four NRC violation levels for which enforcement actions are taken. However, no monetary civil penalty is proposed in either case because the five-year Statute of Limitations for such action expired while the employees were pursuing complaints and appeals at the Department of Labor. The NRC's policy is to base enforcement action on DOL decisions when the NRC has no independent investigatory findings.

In one case, the Secretary of Labor issued a Decision and Remand Order on August 4, 1995, which overturned an Administrative Law Judge's finding of November 8, 1991, that company actions taken against Mr. Marvin B. Hobby were not motivated by his engaging in protected activity. Specifically involved was the raising of safety concerns in 1989 in the operation of the Vogtle nuclear power plant near Waynesboro, Georgia. Mr. Hobby expressed concerns that the organizational structure governing the company's operation of its nuclear facilities violated NRC requirements.

In the other case, the Secretary of Labor issued a Decision and Remand Order on November 20, 1995, reversing an Administrative Law Judge's finding of October 30, 1992, that the company did not discriminate against Mr. Allen L. Mosbaugh for engaging in protected activities. The Labor Secretary concluded that Mr. Mosbaugh was engaged in protected activity "by making lawful tape recordings that constituted evidence gathering in support of a nuclear complaint" and that other employees' potential unwillingness to communicate with him was not a legitimate reason to discharge him.

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The NRC adopted the Secretary of Labor's determination that the firings were acts of discrimination because the two were engaged in protected activities.

NRC officials said employees who raise real or perceived safety concerns may not be discriminated against for raising such concerns and that holders of an NRC operating license must provide an environment in which all employees may freely raise safety issues.

The company has 30 days from May 30 to respond.

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