



October 22, 1991

John F. Cordes, Jr., Esq.
Solicitor
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Mosbaugh v. Georgia Power Company
Case Nos. 91-ERA-1 and 91-ERA-11

Dear Mr. Cordes:

The above-styled proceedings, formal complaint proceedings initiated pursuant to Section 210 of the Energy Reorganization Act, are assigned to me for hearing and the issuance of a recommended decision and order for the Secretary of Labor.

These two proceedings are directly related to a third Section 210 complaint proceeding, 90-ERA-58, involving the same parties, Allen Mosbaugh, Complainant, and Georgia Power Company, Respondent. The Nuclear Regulatory Commission intervened specially in the 90-ERA-58 case, by Motions filed September 13, 1990 and February 14, 1991, seeking stays of discovery in that case. In response to those Motions, Judge Gilday did issue orders staying discovery as requested.

The 90-ERA-58 case has been the subject of voluntary dismissal by the Complainant. The two related complaint proceedings are pending trial before me.

In his Order of September 13, 1990 staying discovery in the 90-ERA-58 case, Judge Gilday ordered the Complainant to deliver to the NRC the described audio tapes in his possession. In its Motion seeking that stay of discovery, the NRC stated it would undertake to provide a detailed statement describing the number and nature of the recordings it wished to protect from discovery. In its February 14, 1991 Motion, the NRC advised that it was prepared to return 201 of the 277 audio tapes to Mr. Mosbaugh. It also advised that it expected to file status reports to the judge concerning availability of documents being held from discovery.

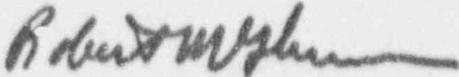
The purpose of this communication is to inquire of the NRC particularly as to the status of the audio tapes remaining in its possession. Those tape recordings are the subject of

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Respondent's discovery requests in the two complaint cases before me, and a resolution of their status is important for a prompt and fair trial of the issues before me.

Would you please provide your advice to me and the parties as to the status of the audio tape recordings in question, and whether we may expect to have access to those materials in the near future.

Very truly yours,



Robert M. Glennon
Administrative Law Judge

cc: Michael D. Kohn, Esq.
Counsel for Complainant

Jesse P. Schaudies, Jr., Esq.
Counsel for Respondent