



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 31, 1991

Hon. Robert M. Glennon  
Administrative Law Judge  
U.S. Department of Labor  
800 K Street, N.W.  
Washington, D.C. 20001-8002

Re: Mosbaugh v. Georgia Power Co., Nos. 91-ERA-1  
and 91-ERA-11

Dear Judge Glennon:

In response to your letter of October 22, 1991, I recently met with the Director of the NRC's Office of Investigations, Ben Hayes, concerning the Mosbaugh audio tapes. Mr. Hayes informed me that while the NRC has returned 201 tapes to Mr. Mosbaugh, the remaining tapes (approximately 76) still are being reviewed in connection with a major ongoing investigation. Indeed, some of these tapes have been sent to an FBI laboratory for quality enhancement.

At this time we cannot estimate when we can return the remaining tapes to Mr. Mosbaugh without compromising the NRC investigation. For more than a year two NRC investigators in the agency's Atlanta regional office have pursued this investigation full-time. In late November, Mr. Hayes, Director of the Office of Investigations, is scheduled to go to Atlanta to conduct a comprehensive review of the investigation. I have asked Mr. Hayes to advise me immediately of the results of his review. I then will provide you a more detailed status report indicating the time frame for the remainder of the investigation and whether (and when) additional audio tapes will be returned to Mr. Mosbaugh.

We are grateful for the consideration the Department of Labor has given to the NRC's concern that its investigation not be compromised by premature disclosure of sensitive evidentiary material. We appreciate your interest in reaching a prompt decision on the pending Section 210 complaints. To this end you may wish to inquire whether all the materials the NRC has gathered in its investigation, including the audio tapes, actually are necessary or relevant to the disposition of the

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Hon. Robert Glennon

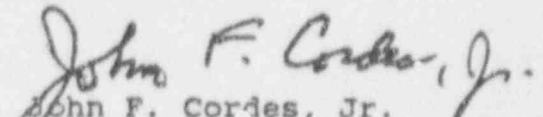
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Section 210 complaints. In any event, we are making every effort to conclude our investigation as quickly as possible.

Thank you for your careful attention to this matter.

Sincerely,

  
John F. Cordes, Jr.  
Solicitor

cc: Michael D. Kohn  
Jesse P. Schaudies, Jr.