



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 5, 1996

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Board Notification 96-03
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MEMORANDUM TO: Atomic Safety and Licensing Board
and All Parties

FROM: Herbert N. Berkow, Director
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.

By Board Notification (BN) 95-16 dated September 25, 1995, the NRC Staff informed the Board and Parties of a Secretary of Labor (SOL) Decision and Remand Order which found that GPC managers discriminated against one of their employees, Mr. Marvin Hobby. BN 95-16 further informed the Board and Parties of NRC correspondence to GPC informing them that this action was being considered for escalated enforcement action. Also, by BN 95-18 dated December 19, 1995, the NRC Staff informed the Board and Parties of an SOL Decision and Remand Order which found that GPC managers discriminated against another one of their employees, Mr. Allen Mosbaugh. BN 95-18 further informed the Board and Parties of NRC correspondence to GPC informing them that this action was being considered for escalated enforcement action.

By letter dated May 29, 1996, the NRC informed GPC of the decision to take enforcement action based on the SOL Decisions and Remand Orders, and issued a Notice of Violation (NOV). The NOV identified two Severity Level I violations; one in the case of Mr. Hobby and one in the case of Mr. Mosbaugh. A copy of the May 29, 1996, letter with the enclosed NOV is provided as Enclosure 1.

The NRC also issued letters to six managers who participated in the activities upon which the enforcement action is based. A copy of each letter is provided to the Board and Parties as Enclosures 2 through 7. Please note that to avoid

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an undue administrative burden, the enclosures to the individual letters (i.e., copies of the SOL Decisions and Remand Orders and the NRC letter forwarding the NOV) have been deleted from this BN. The SOL Decisions and Remand Orders were provided to the Board and Parties by the intervenor as noted in BN 95-16 and by the NRC as part of BN 95-18. The letter to GPC forwarding the NOV is provided as Enclosure 1 to this BN.

As background information, the Board and Parties are also being provided, as Enclosure 8, a copy of the unpublished Order by the U.S. District Court for the Northern District of Georgia that is referenced in the letter to the licensee forwarding the NOV (Enclosure 1).

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, 5/29/96
2. S. Ebnetter letter to F. Williams, 5/29/96
3. S. Ebnetter letter to D. Evans, 5/29/96
4. S. Ebnetter letter to H. Baker, 5/29/96
5. S. Ebnetter letter to T. Boren, 5/29/96
6. S. Ebnetter letter to A. Dahlberg, 5/29/96
7. S. Ebnetter letter to C. McCoy, 5/29/96
8. Order by the U.S. District Court for the
Northern District of Georgia, 4/18/96

cc w/encls:
See next page

Board Notification: 96-03 Dated: June 5, 1996

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BOARD NOTIFICATION NO. 96-03

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

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