

Yellow

MAR 21 1989

Docket Nos. 50-424, 50-425
License Nos. NPF-68, NPF-79

Georgia Power Company
ATTN: Mr. W. G. Hairston, III
Senior Vice President -
Nuclear Operations
P. O. Box 1295
Birmingham, AL 35201

Gentlemen:

SUBJECT: RESULTS OF OI INVESTIGATION REPORT NO. 2-88-004

The NRC's Office of Investigations (OI) has completed its investigation of the circumstances associated with the termination of an employee of Pullman Kenith-Fortson (PKF) from his position at the Vogtle Electric Generating Plant. The employee alleged that PKF, a subcontractor for Georgia Power Company (GPC), terminated him for reporting quality concerns. The Synopsis of the OI report is enclosed.

OI Report No. 2-88-004 concludes the preponderance of evidence did not support a charge of retaliation for raising a quality concern nor did the investigation find any evidence that GPC/QC conspired with PKF to terminate the aleger. Therefore, no enforcement action is being considered.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the Public Document Room.

Should you have any questions concerning this letter, we will be pleased to discuss them.

Sincerely,

*Original Signed By:
Stewart D. Ebneter*

Stewart D. Ebneter
Regional Administrator

Enclosure:
Synopsis of OI Report 2-88-004

cc w/o encl: (See page 2)

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Georgia Power Company

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cc w/encl:

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ENCLOSURE

SYNOPSIS

On February 2, 1988, an employee of Pullman Kenith-Fortson (PKF) formally alleged that he was wrongfully terminated from his position at the Vogtle Electric Generating Plant (VEGP). The employee alleged that PKF, a subcontractor for Georgia Power Company (GPC), terminated him for reporting quality concerns. The alleger added that GPC Quality Concern (QC) personnel did not adequately investigate his termination in view of his charges of retaliation. The alleger felt that GPC conspired with PKF to terminate him because of his concern for quality.

Investigation into this matter determined that the alleger filed an allegation with GPC/QC upon his termination on September 8, 1986, asserting he was the victim of retaliation for filing a quality concern. GPC/QC immediately responded to the complaint and conducted an investigation by interviewing the alleger's supervisors. The alleger told the NRC that GPC/QC blindly accepted the supervisor's charges of poor work performance and did not even interview his co-workers. On the other hand, it was learned that GPC/QC was still working with the alleger several months after his termination to resolve his allegations. The alleger refused to follow up with GPC/QC to resolve the technical issues once he initiated a Federal Court action against PKF for backpay and the retaliation charge. GPC/QC representatives said that when the suit was filed they had no choice but to suspend their efforts to mediate with the alleger.

Although the actual reasons for the alleger's dismissal are suspect and undocumented, the preponderance of evidence indicates there was no retaliation for participating in protected activities. Further, the alleger admits he has no evidence to support his suspicion concerning an alleged conspiracy between GPC and PKF. The alleger feels GPC/QC personnel were aware he was going to be fired for raising quality concerns and did nothing about it. He based this statement on the fact that the director of GPC/QC would not meet with him personally on the afternoon he was terminated.

Several witnesses named by the alleger stated the charge of poor work performance was not accurate but none could articulate any facts that would support the charge of retaliation. Other co-workers agreed that the alleger was creating more work than he was accomplishing and that the termination was justified. This investigation found the preponderance of evidence did not support a charge of retaliation for raising a quality concern. Neither did the investigation find any evidence that GPC/QC conspired with PKF to terminate the alleger.