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RELATED CORRESPONDENCE

DOCKETED
April 28, 1994
USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'94 APR 29 12:52

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

SECRETARY
DOCKETING

In the Matter of *
*
GEORGIA POWER COMPANY, * Docket Nos. 50-424-OLA-3
et al. * 50-425-OLA-3
*
(Vogtle Electric * Re: License Amendment
Generating Plant, * (Transfer to Southern
Units 1 and 2) * Nuclear)
*
* ASLBP No. 93-671-01-OLA-3
*

GEORGIA POWER COMPANY'S
SECOND SET OF INTERROGATORIES AND
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE NRC STAFF

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.720, Georgia Power Company requests that the Nuclear Regulatory Commission Staff answer the interrogatories set out in Section IV hereof, in writing and under oath, within 14 days of service of this document. Georgia Power Company asserts that the interrogatories are necessary to a proper decision in the proceeding and the answers to the interrogatories are not reasonably obtainable from any other source.

Additionally, pursuant to 10 C.F.R. § 2.744, Georgia Power Company requests that the Nuclear Regulatory Commission Staff produce the documents requested in Section V hereof for inspection and copying, within 14 days from the

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service of this request, at the NRC Region II offices in Atlanta, Georgia. Georgia Power Company asserts that the requested documents (1) are relevant to the proceeding because they relate to Intervenor's asserted factual basis that Georgia Power Company officials illegally transferred control of the operation of the Vogtle Electric Generating Plant from the Georgia Power Company to a de facto corporation known as the Southern Nuclear Operating Company and (2) are not reasonably obtainable from any other source.

II. INSTRUCTIONS

A. If you cannot answer a particular interrogatory in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying and explaining your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

B. Each interrogatory is a continuing one, and should be supplemented as required by 10 C.F.R. § 2.740(e).

C. If you claim that any information which is required to be provided by you in your response to any of these discovery requests is privileged or immune from discovery:

1. Identify the portion of the discovery request to which such information is otherwise responsive;

2. If the information is a document or oral communication, identify the document's title or the communication and state the general subject matter of the document or oral communication;

3. If the information is a document or oral communication, state the date of the document or oral communication.

4. If a document, identify its author(s) and the person(s) for whom it was prepared or to whom it was sent, including all persons who received copies;

5. If an oral communication, identify all persons present at the time of the oral communication;

6. State the nature of the privilege or immunity claimed; and

7. State in detail each and every fact upon which you base your claim of privilege or immunity from discovery.

D. In each case where you are asked to identify or to state the identity of a document or where the answer to the interrogatory refers to a document, state with respect to each such document:

1. The identity of the person who prepared it;

2. The identity of all persons who reviewed or approved it;

3. The identity of the person who signed it, or over whose name it was issued;

4. The identity of the addressee or addressees;

5. The nature and substance of the document with sufficient particularity to enable the same to be identified;

6. The date of the document; and

7. The present location of the document and the identity and address of each person who has custody of the document.

E. In each case where you are required to identify an oral communication, or where the answer to the interrogatory refers to an oral communication, state with respect thereto:

1. The date and place thereof;

2. The identity of each person who participated in or heard any part of the communication;

3. If the communication was by telephone, so indicate and state who initiated the telephone call;

4. The substance of what was said by each person who participated in the communication; and

5. The location and the identify and address of the custodian of any document (including any

mechanical, magnetic, electrical or electronic recording) that recorded, summarized, reported or confirmed the oral communication.

F. In each instance where you are asked to identify or to state the identity of a person, or where the answer to an interrogatory refers to a person, state with respect to each such person:

1. His or her name;
2. His or her last known business and residence addresses and telephone numbers;
3. If an individual, his or her business affiliation or employment at the date of the transaction, event or matter referred to; and
4. If a corporation or association, the business or activity in which it was engaged at the date of the transaction, event or matter referred to.

G. As used herein, the phrases "state in detail" and "described in detail" shall mean that you are requested to state, with specificity, each and every fact, ultimate fact, circumstance, incident, act, omission, event and date, relating to or otherwise pertaining to the matters inquired of in said interrogatory.

H. Whenever production is requested of a document which is no longer in the possession, custody or control of

the NRC Staff, your response should identify the document by name, number, form or description, and by date made, and should state when the document was most recently in the NRC Staff's possession, custody or control, the disposition made of the documents, and the identity of the person or persons now in possession, custody, or control of such document. If the document has been destroyed, the response should state the reason for its destruction, the identity of the person or persons who destroyed the document and who directed that the document be destroyed.

III. DEFINITIONS

A. As used herein, the term "Intervenor" shall mean Intervenor Allen L. Mosbaugh and counsel for Intervenor and all their respective agents, servants, associates, employees, representatives, private investigators, and others who are or have been in possession of or may have obtained information for or on behalf of Intervenor in any manner with respect to any matter referred to in the Petition.

B. As used herein, the term "documents" includes any written, recorded or graphic matter, however produced or reproduced, of every kind and regardless of where located, including but not limited to any summary, schedule,

memorandum, note, statement, letter, telegram, interoffice communication, report, diary, desk or pocket calendar or notebook, daybook, appointment book, pamphlet, periodical, work sheet, cost sheet, list, graph, chart, index, tape, record, partial or complete report of telephone or oral conversation, compilation, tabulation, study, analysis, transcript, minutes, and all other memorials of any conversations, meetings, and conferences, by telephone or otherwise, and any other writing or recording which is in the possession, custody or control of the NRC Staff or any employees, representatives, attorneys, investigators, or others acting on its behalf.

C. As used herein, the terms "and" and "or" shall each mean and/or.

D. As used herein, the term "NRC" shall mean the U.S. Nuclear Regulatory Commission, an agency of the Federal Government.

E. As used herein, the terms "NRC Staff, "you," or "your" shall mean all of the officials, employees, investigators, agents, contractors, representatives, attorneys and others acting on behalf of the NRC, except for Commission adjudicatory employees as that term is defined in 10 C.F.R. § 2.4.

F. As used herein, the term "GPC" shall mean the Georgia Power Company, a subsidiary of The Southern Company.

IV. INTERROGATORIES

1. The following interrogatory question relates to a meeting or meetings between NRC Staff personnel (other than the Office of Investigations) and Mr. Marvin Hobby, one of which is believed to have occurred in the February 1990 time frame, to discuss the concerns which Mr. Hobby raised in his Department of Labor case against GPC. See e.g., Deposition of Marvin Hobby, April 9, 1994, at Tr. 104-106.

a. Describe in detail the date, time, and place where any such meetings were held, including the names of the individuals present for such meetings.

b. Describe in detail the information or knowledge obtained by NRC Staff members regarding Mr. Marvin Hobby's concerns.

c. Identify all documents which in any way relate to the foregoing meeting or meetings with Mr. Hobby or the information which was obtained by the NRC as a result of such meetings.

2. The following interrogatory question relates to meetings between NRC Office of Investigations personnel and Mr. Marvin Hobby, two of which are believed to have occurred in the 1991 time frame, to discuss Mr. Hobby's concern regarding an alleged illegal license transfer of the Vogtle operating license. See e.g., Deposition of Marvin Hobby, April 9, 1994, at Tr. 117-121.

a. Describe in detail the dates, times, and places where any such meetings were held, including the names of the individuals present for such meetings.

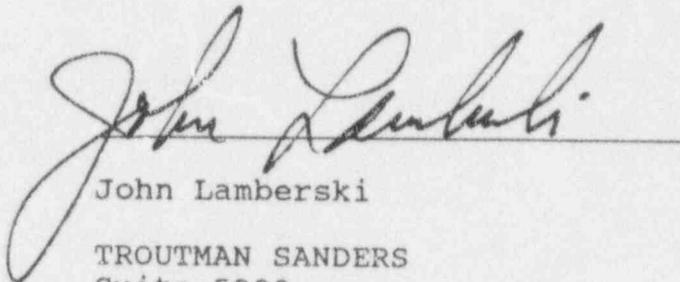
b. Describe in detail the information or knowledge obtained by NRC Staff members regarding Mr. Marvin Hobby's concerns.

c. Identify all documents which in any way relate to the foregoing meetings with Mr. Hobby or the information which was obtained by the NRC as a result of such meetings.

V. REQUEST FOR DOCUMENTS

1. Produce all documents identified in the NRC Staff's responses to interrogatories 1 and 2 above.

DATED: April 28, 1994



John Lamberski

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

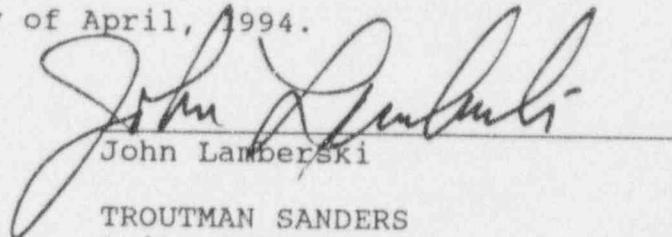
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DOCKETING & SERVICE
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(Vogtle Electric * Re: License Amendment
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* ASLBP No. 93-671-01-OLA-3
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CERTIFICATE OF SERVICE

This is to certify that copies of the within and fore-going "Georgia Power Company's First Set of Interrogatories and Second Request for Production of Documents to the NRC Staff," as well as the cover letter from John Lamberski, Esq. to Charles Barth, Esq., were served on all those listed on the attached service list by depositing same with an express mail delivery service.

This is the 28th day of April, 1994.


John Lamberski

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
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Docket Nos. 50-424-OLA-3
50-425-OLA-3

(Vogle Electric
Generating Plant,
Units 1 and 2)

Re: License Amendment
(Transfer to Southern
Nuclear)

ASLBP No. 93-671-01-OLA-3
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