

13937

RELATED CORRESPONDENCE

EXEMPTED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'93 MAY -5 11:25

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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. 96-671-01-OLA-3

ALLEN MOSBAUGH'S
FIRST SET OF INTERROGATORIES
TO GEORGIA POWER COMPANY

I. INTRODUCTION

Pursuant to 10. C.F.R. §2.740b, Allen Mosbaugh hereby requests that Georgia Power Company (GPC) answer the following interrogatories in writing and under oath within 14 days of service of this document.

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 you 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

9305110154 930504
PDR ADDOCK 05000424
G PDR

D503

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 interrogatories is privileged or immune from discovery:

1. Identify the portion of the interrogatory to which such information is otherwise the response;

2. If the information is a document or oral communication, identify the document's title or the oral 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 identify of a document or where the answer to the interrogatory refers to a document, state with respect to each such document:

1. The identify 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 identity 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 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/her name;
2. His/her last known business and residence addresses and telephone numbers;
3. If an individual, his/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 "describe 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.

III. DEFINITIONS

A. As used herein, the terms "GPC," "you," or "your" and any synonym thereof and derivative therefrom are intended to, and shall, embrace and include Georgia Power Company, The Southern Company, SONOPCO, Southern Nuclear Operating Company, Inc.,

Southern Company Services, Inc. and/or all minority owners of Vogtle Electric Generating Plant, Units 1 and 2, and all their respective attorneys, 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 GPC 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 Intervenor or any employees, representatives, attorneys, investigators, or others acting on his 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 term "Petition" shall mean the Petition to Intervene and Request for Hearing, dated October 22, 1992, filed by intervenor in this proceeding.

F. As used herein, the term "Amended petition" shall mean the Amendments to Petition to Intervene and Request for Hearing, dated December 9, 1992, filed by Intervenor in this proceeding.

G. As used herein, the term Allen Mosbaugh shall mean Allen Mosbaugh, the Intervenor in this proceeding.

H. As used herein, the term "Southern Nuclear" shall mean the Southern Nuclear Operating Company, Inc. a subsidiary of The Southern Company.

I. As used herein, the term "SONOPCO project" shall mean the consolidation of GPC, Alabama Power Company and Southern Company Services, Inc. personnel in Birmingham, Alabama between November 1988 and January 1991 for the management and support of the Southern system nuclear facilities.

J. As used herein, the term "Hobby/Mosbaugh Petition" shall mean the petition filed by the Intervenor and Mr. Marvin B. Hobby with the NRC relating to allegations of violations by GPC of NRC requirements, dated September 11, 1990, as supplemented by letters from Intervenor and Mr. Hobby to the NRC, dated September 21, 1990, October 1, 1990 and July 8, 1991.

K. As used herein, the term "date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

L. As used herein, the term "person" shall mean any individual, partnership, firm, association, corporation or other government, legal or business entity.

IV. INTERROGATORIES

1. Identify each tape recording that you have reviewed of conversations involving or relating to the Plant Vogtle, GPC, Southern Nuclear, Southern Company Services, Inc., or any of their employees or representatives. Include:

- a. the date and time of the conversation;
- b. the participants in the conversation; and
- c. the subject matter of the conversation.

2. With respect to each tape recording referred to in interrogatory 1 above, have any copies been made? If so, identify each tape recording that has been copied, the date or dates when each tape was copied, the number of copies of each tape recording that were made on each occasion of copying, and for each occasion of copying the purpose of the copying.

3. With respect to each tape recording referred to in interrogatory 1 above, identify all persons to whom the tape recording, or any copy thereof, has been provided. For each such person, identify:

- a. the specific tape recordings that were provided to such person;
- b. the date or dates upon which each tape recording was provided to such person;

c. the purpose for providing each tape recording to such person;

d. whether you have the right or ability to retrieve each tape recording from such person;

e. whether such person has returned any of the tape recordings and, if so (i) which tape recordings, (ii) on which dates they were returned, (iii) provide the reason for the return, and (iv) detail any subsequent disposition of each returned tape.

f. all communications referring or relating to the provision or return of each such tape to such person;

g. all communications referring or relating to the custody or control of each such tape, or to the circumstances under which the tape would be returned to you;

h. all documents referring or relating to the provision or return of each such tape to such person; and

i. all documents referring or relating to the custody or control of each such tape, or to the circumstances under which the tape would be returned to you.

4. Has any tape recording referred to in interrogatory 1, or any copy thereof, been destroyed or erased, in whole or part? If so, for each tape recording, or copy thereof, that was destroyed or erased, in whole or part, identify:

a. the specific tape recording, or copy thereof, that was destroyed or erased, in whole or part;

b. the date upon which each such destruction or

erasure occurred;

- c. the person who effected the destruction or erasure;
- d. the reason for the destruction or erasure;
- e. all communications relating or referring to the destruction or erasure; and
- f. all documents relating or referring to the destruction or erasure.

5. Identify all documents that index, transcribe (in whole or part), summarize, or otherwise discuss each tape recording referred to in interrogatory 1 above.

6. With respect to each tape recording referred to in interrogatory 1 above, identify all persons to whom any transcript, partial transcript, summary, or other document discussing the tape recording have been distributed. For each such person, identify;

- a. the specific tape recordings that were transcribed (in whole or part), summarized or otherwise discussed in the documents provided to each person;

- b. the date or dates upon which each such document was provided to such person;

- c. the purpose for providing each such document to such person;

- d. all communications referring to or relating to the provision of each such document to such person; and

- e. all documents referring to or relating to the provision of each such document to such person.

7. Identify all communications relating to the provision, custody, control, or return of tape recordings referred to in interrogatory 1 above, other than those communications identified in response to interrogatory 3 above.

8. Identify all documents referring or relating to the provision, custody, control, or return of tape recordings referred to in interrogatory 1 above, other than those documents identified in response to interrogatory 3 above.

9. Identify any recordings that you have made of conversations involving the NRC (including OI), any employee of GPC, Allen Mosbaugh or the Department of Justice.

10. Identify all communications, including but not limited to meetings, interviews, telephone conversations and correspondence, which you have had concerning the allegations in the Petition or the Amended Petition or any other defenses which you intend to or may raise in this proceeding including but not limited to those with:

- a. the NRC;
- b. the U.S. Department of Justice;
- c. the U.S. Congress; and

d. other persons (other than such communications which were provided to Allen Mosbaugh in connection with the Department of Labor cases Nos. 90 ER 100, 91-ERA-1 and 91-ERA-1).

11. With respect to each communication identified in interrogatory 10 above, if a written communication, in addition to the information required by Instruction II.D, identify all

persons who received a copy.

12. Describe in detail each specific incident which GPC intends to or may raise at the hearing in this case in order to deny and/or defend against the Board-admitted contention and, with respect to each such incident, defense or denial:

- a. identify all witnesses who will testify on behalf of GPC;
- b. identify all documents which GPC or GPC's witnesses will rely on at the hearing;
- c. state when GPC became aware of such specific incident;
- d. identify the participants in such incident;
- e. state when such incident occurred;
- f. describe the aspects of such incident, if any, that constitute willful wrongdoing;
- g. describe how such incident shows a lack of character;
- h. describe how such incident shows a lack of competence;
- i. describe how such incident shows a lack of integrity;
- j. describe how such incident shows a lack of candor;
- k. describe how such incident shows a lack of truthfulness;
- l. describe how such incident shows a lack of willingness to abide by regulatory requirements;

m. identify whether GPC has any direct, personal knowledge of such incident and, if so, what is the basis of such direct, personal knowledge.

13. Identify all communications, whether written or oral, between the Plant Vogtle staff and the GPC corporate office on April 19, 1990 concerning the language of LER-90-006. For each such communication;

a. describe the portions of oral communications which you listened to and the portions which you did not;

b. describe the portions of such oral communications which were tape recorded;

c. identify the participants in the oral communications to which you listened;

d. describe the statements made by GPC with respect to the Plant Vogtle Unit 1 diesel generators;

e. describe the statements made by each participant in any conversation with respect to the Plant Vogtle Unit 1 diesel generators and identify which participants made each statement;

f. identify any documents comprising, referring or relating to such communications.

14. Describe in detail the specific problems with or failures to the Plant Vogtle Unit I diesel generators of which GPC management was notified between March 20, 1990 and April 19, 1990, inclusive; identify each GPC employee who was notified of such problems or failures; detail the circumstances of that

notification; and identify all documents referring or relating to each such notification.

15. Describe in detail the information contained in GPC's April 9, 1990 letter to the NRC and GPC's April 19, 1990 LER 90-006 which GPC knows were not fully accurate when made or submitted to the NRC, and with respect to each inaccuracy, state:

a. on what basis GPC concludes that said inaccuracy was not willful;

b. the specific dates when GPC learned of such inaccuracy;

c. the actions taken by the GPC to correct such inaccuracy; and

d. all documents referring or relating to such inaccuracy;

16. State GPC's definition of each of the following terms as they relate to the Board-admitted contention:

a. character;

b. competence;

c. integrity;

d. candor;

e. truthfulness; and

f. willingness to abide by regulatory requirements.

17. With respect to the tape recordings referred to in interrogatory 1 above, identify each tape (by the date and number marked thereon) and the portion or portions of each tape which the GPC intends to rely on in this proceeding.

18. Identify each person whom you contend has any information or knowledge relating to any facts relating directly or indirectly to any of the allegations made in the Amended Petition, and for each person identified, provide a brief summary of the knowledge or information possessed.

19. Identify each person you expect to call as an expert witness at the trial of this matter, and for each person state the subject matter, the facts and the opinions or conclusions to which he or she is expected to testify and give a summary of the grounds for each opinion or conclusion.

20. Identify each person retained, employed or consulted by you in anticipation of litigation or in preparation for the trial of this matter who is not expected to be called as an expert witness at trial.

21. State each and every fact which supports your claim that GPC did not illegally or improperly transfer control of the operation of Plant Vogtle without the knowledge or consent of the co-owners of Plant Vogtle, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

22. State each and every fact which does not support your claim that GPC did not illegally or improperly transfer control of the operation of Plant Vogtle without the knowledge or consent of the co-owners of Plant Vogtle, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

23. State each and every fact which supports your claim and/or defense that The Southern Company did not have a "corrupt corporate policy," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim or defense.

24. State each and every fact which does not support your claim and/or defense that The Southern Company did not have a "corrupt corporate policy," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim or defense.

25. State each and every fact which supports your claim and/or defense that The Southern Company or Southern Nuclear and its management chain of command does not lack character, competence, integrity, candor, or truthfulness, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

26. State each and every fact which does not support your claim and/or defense that The Southern Company or Southern Nuclear and its management chain of command does not lack character, competence, integrity, candor, or truthfulness, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

27. State each and every fact which supports your claim and/or defense that The Southern Company or Southern Nuclear and

its management chain did not lack a "willingness to abide by regulatory requirements," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

28. State each and every fact which does not support your claim and or defense that The Southern Company or Southern Nuclear and its management chain did not lack a "willingness to abide by regulatory requirements," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

29. State each and every fact which supports your claim and/or defense that The Southern Company did not control and direct the management of Southern Nuclear, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

30. State each and every fact which does not support your claim and/or defense that The Southern Company did not control and direct the management of Southern Nuclear, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

31. If you contend that The Southern Company did not improperly form Southern Nuclear, state each and every fact supporting your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your

claim.

32. If you contend that The Southern Company did not improperly form Southern Nuclear, state each and every fact not supporting your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

33. State each and every fact supporting your claim and or defense that GPC did not lose touch with the operation of Plant Vogtle as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

34. State each and every fact not supporting your claim and or defense that GPC did not lose touch with the operation of Plant Vogtle as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

35. State each and every fact supporting your claim and/or defense that Mr. McDonald did not make misleading statements about the staffing of the SONOPCO project and about the role he played in said project as alleged in the Amended Petition; describe each such statement; identify to whom such statement was made; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

36. State each and every fact not supporting your claim and/or defense that Mr. McDonald did not make misleading statements about the staffing of the SONOPCO project and about

the role he played in said project as alleged in the Amended Petition; describe each such statement; identify to whom such statement was made; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

37. If you contend that GPC did keep the NRC informed about GPC organizational structure, allocation of responsibilities and authorities, and personnel qualification requirements, state each and every fact which supports your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

38. State each and every fact which supports your claim and/or defense that Southern Nuclear and The Southern Company do have the requisite corporate ethics to operate Plant Vogtle; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

39. State each and every fact which does not support your claim and/or defense that Southern Nuclear and The Southern Company do have the requisite corporate ethics to operate Plant Vogtle; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

40. State each and every fact which supports the claim that Southern Nuclear or The Southern Company has exhibited behavior which bears a connection to unsafe operation of Plant Vogtle; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

41. Identify all documentation in the possession of GPC or any person which does not support your claim and/or defense that Southern Nuclear or GPC did not submit materially false information to the NRC as alleged in the Amended Petition.

42. State each and every fact which supports your claim and/or defense that Southern Nuclear or GPC did not conspire to cover up wrongdoing in order to obstruct the NRC's investigation into allegations set forth in the Hobby/Mosbaugh Petition; identify all individuals with knowledge of these facts ; and identify any and all documents supporting your claim.

43. State each and every fact which does not support your claim and/or defense that Southern Nuclear or GPC did not conspire to cover up wrongdoing in order to obstruct the NRC's investigation into allegations set forth in the Hobby/Mosbaugh Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

44. State each and every fact which supports Petitioner's claim that there was a "conspiracy" regarding submission of material false information to the NRC in LER 90-006; identify all members of this alleged conspiracy; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

45. State each and every fact which supports Petitioner's claim that a Plant Vogtle license transfer to Southern Nuclear would increase the risk of the possibility of an accident and represents an unsafe operating condition, as alleged in the

Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

46. State each and every fact which supports Petitioner's claim that Joseph M. Farley was given the responsibility for and served as the de facto Chief Executive Officer of the SONOPCO project, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

47. State each and every fact which supports Petitioner's claim that The Southern Company established a de facto SONOPCO project Board of Directors headed by Mr. Farley, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

48. State each and every fact which supports Petitioner's claim that The Southern Company Board received all of its information concerning the performance of GPC's nuclear plants directly from Mr. Farley, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

49. State each and every fact supporting the claim that R. P. McDonald reported to Mr. Farley regarding the operation of GPC's nuclear plants; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

50. State each and every fact which supports Petitioner's claim that Mr. McDonald and Mr. Farley selected Ken McCoy to serve as the new Plant Vogtle Project Vice President, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

51. State each and every fact which supports Petitioner's claim that the SONOPCO project management team for Plant Vogtle was selected over a two-day period by Messrs. McDonald, McCoy, Hairston and Beckham, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

52. State each and every fact which supports Petitioner's claim that Mr. McDonald's response submitted to the NRC on April 1, 1991 "contains numerous verifiable material false statements," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

53. State the exact whereabouts of Messrs. Hairston, McCoy and McDonald on April 19, 1990. For each such person also provide:

a. a complete breakdown of the exact time each person was at any location;

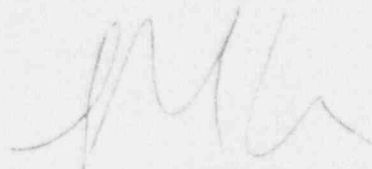
b. identify all documents which demonstrate the location of Hairston, McCoy and McDonald.

54. Identify each conversation held on April 19, 1990

related to LER 90-006. For each conversation, please state:

- a. participants to the conversation;
- b. time the conversation began and ended;
- c. the time any new participant entered the conversation or left the conversation;
- d. whether the conversation was telephonic, in person or a combination of these forms of communication;
- e. identify what each participant in the conversation stated;
- f. identify all documents which relate, in any manner, to the conversation.

Dated: May 4, 1993.



Stephen M. Kohn
KOHN, KOHN AND COLAPINTO
517 Florida Avenue, N.W.
Washington, D.C. 20001-1850
(202) 234-4663

Attorney for Intervenor

076A\Interrog

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

DOCKETED
USNRC

Before Administrative Judges:
Peter B. Bloch, Chair
Dr. James H. Carpenter
Thomas D. Murphy

'93 MAY -5 A11 :25

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 1993, the attached document was served on Georgia Power Company (c/o Ernest Blake, 2300 N. Street, N.W., Washington, D.C.) by hand delivery, and by U.S. Mail, postage prepaid, upon the following persons:

Administrative Judge
Peter B. Bloch, Chair
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

[continued on next page]

Charles A. Barth, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary (Original and two copies)
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Stephen M. Kohn
Kohn, Kohn & Colapinto, P.C.
517 Florida Ave., N.W.
Washington, D.C. 20001
(202) 234-4663

054\cert1/nrc