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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'93 MAY -4 P3:05

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
<u>et al.</u>	*	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

GEORGIA POWER COMPANY'S  
FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS BY THE NRC STAFF

I. INTRODUCTION.

Pursuant to 10 C.F.R. § 2.744, Georgia Power Company hereby requests that the Nuclear Regulatory Commission Staff respond to the following request for production of documents. GPC requests that the documents specified below be made available for inspection and copying by GPC's counsel within 30 days from the service of this request at the NRC Region II offices in Atlanta, Georgia.

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PDR ADOCK 0500C424  
G PDR

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## II. INSTRUCTIONS.

A. Manner of Objections and Inability to Respond: If you object to a part of any single request for documents herein, state the objections and answer the remaining portion of such request. If you object to the scope or time period of any request herein and refuses to answer for that scope or time period, state the objection and answer such request for the scope or time period you believe is appropriate.

If any of the requests herein cannot be responded to in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying the inability to answer the remainder, and stating whatever information the NRC Staff has concerning the unanswered portions. If your response is qualified in any particular way, please set forth the details of such qualifications.

B. Documents No Longer In Your Possession, Custody or Control: 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.

C. Manner of Production: The documents produced pursuant to any particular request herein shall be separately produced for each paragraph of such request or, in the alternative, shall be identified as complying with the particular paragraph or paragraphs to which they are responsive.

D. Privileged Documents: In the event you wish to assert that any document requested by any of the requests herein is privileged or otherwise immune from discovery, then as to each document subject to such assertion, please identify the documents and include: the nature of the document, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original of any copy was circulated, a summary statement of the subject matter of such document in sufficient detail to permit the Licensing Board to reach a determination as to the claimed privilege in the event of a motion to compel, and indicate the basis for the privilege or the like.

E. Documents Provided by or Addressed to GPC: In the event that any particular request herein would require the NRC Staff to produce documents which were provided to the NRC by GPC or which are copies of documents addressed to GPC and which the NRC Staff has reason to believe were delivered to GPC, then you need not produce such documents unless such documents have annotated or altered or otherwise contain information which was not included on the original of such documents.

F. Documents Subject to an On-going NRC OI Investigation: GPC understands that certain documents covered by the requests herein are the subject of an on-going NRC Office of Investigations ("OI") investigation (hereafter referred to as the "covered documents"). GPC further understands that such investigation is limited in scope to allegations that GPC officials made false statements to the NRC Staff concerning the condition of the Plant Vogtle Unit 1 diesel generators following the March 20, 1990 site area emergency. GPC has been informed that the NRC Staff does not intend to produce such covered documents during the pendency of such OI investigation. Therefore, GPC requests that the NRC Staff treat the requests herein as continuing ones and, accordingly, that

the NRC Staff provide such covered documents to GPC as soon as possible.

G. Documents Reasonably Obtainable from Another Source: GPC understands that the NRC Staff can object to the production of documents which are "reasonably obtainable from another source" pursuant to 10 C.F.R. § 2.744(b). Although GPC is in the process of confirming its beliefs, GPC believes that the NRC Staff is the only source of the 76 tape recordings made by Mr. Mosbaugh which, to date, have not been made available to GPC. Similarly, GPC believes that the NRC Staff is the only source of documents comprising the statements made by Mr. Mosbaugh which are relevant to this proceeding.

### 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 "Petition" shall mean the Petition to Intervene and Request for Hearing, dated October 22, 1992, filed by Intervenor in this proceeding.

G. 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.

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

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

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.

IV. REQUESTS FOR PRODUCTION.

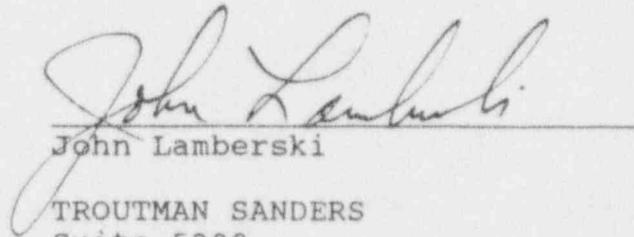
1. All documents comprising, referring or relating to tape recordings delivered by the Intervenor to the NRC and relating to GPC, Southern Nuclear, The Southern Company, Plant Vogtle, or any of the employees or representatives of the foregoing.

2. All documents evidencing any oral or written statement made by Intervenor to the NRC and relating to GPC, Southern Nuclear, The Southern Company, Plant Vogtle, or any of the employees or representatives of the foregoing (other than those documents produced in response to Request IV.1 above), including without limitation:

- a. the allegation drafted by Intervenor and submitted to the NRC which addressed written statements made to the NRC by GPC regarding the Plant Vogtle diesel generators;
- b. the allegation submitted to the NRC by Intervenor (or his counsel) on June 13, 1990;
- c. documents provided to the NRC in July and August, 1990 to assist the NRC in preparing for an Operational Safety Inspection of Plant Vogtle which occurred in August of 1990;

- d. transcripts or notes of the interview of Intervenor conducted by the NRC on July 18 and 19, 1990 in Augusta, Ga.;
- e. transcripts or notes of the interview of Intervenor conducted by members of the NRC Operational Safety Inspection team in July or August, 1990;
- f. notes, telephone memos, daytimer entries, or other documents evidencing, referring relating to interviews, meetings, correspondence and conversations between representatives of the NRC's Office of Investigations (including but not limited to Mr. Larry Robinson) and Intervenor;
- g. correspondence between the NRC and Intervenor concerning Safeguards Information as that term is defined in 10 C.F.R. § 73.2;
- h. documents described, displayed or provided to the NRC by Intervenor on January 25, 1991 and January 29, 1991 as enumerated in the "Declaration of Larry L. Robinson" attached to NRC's motion for a partial stay of a motion to compel by the administrative law judge in Department of Labor case no. 90-ERA-58, dated February 14, 1991.

DATED: May 3, 1993

  
John Lamberski

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Counsel for Georgia Power  
Company

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USNRC

UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DUCKETT & SERVICE  
BRANCH

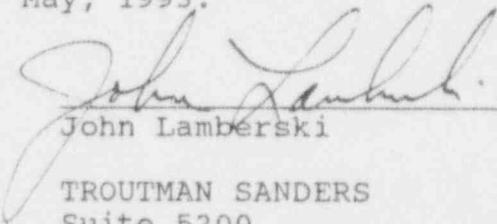
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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(Vogtle Electric \* Re: License Amendment  
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\*  
\* ASLBP No. 96-671-01-OLA-3

CERTIFICATE OF SERVICE

This is to certify that copies of the within and fore-going "Georgia Power Company's First Request for Production of Documents by the NRC Staff" were served on all those listed on the attached service list by depositing same with an overnight express mail delivery service.

This is the 3rd day of May, 1993.

  
John Lamberski

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

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\*  
\* ASLBP No. 96-671-01-OLA-3  
SERVICE LIST

Administrative Judge  
Peter B. Block, Chairman  
Atomic Safety and Licensing  
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Washington, D.C. 20555

Administrative Judge  
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Administrative Judge  
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