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

DOCKETED
USNRC

In the Matter of)

GEORGIA POWER COMPANY)
et al.,)

(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

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INTERVENOR'S MOTION TO COMPEL TAPE TRANSCRIPTS

Background

In September of 1990, Allen Mosbaugh turned over some 277 tape recordings to NRC's Office of Investigations. Thereafter, GPC repeatedly asked NRC to return tapes to Mr. Mosbaugh so that these tapes could be made available to GPC in discovery. NRC eventually turned over 201 tape recordings to Mr. Mosbaugh who, in turn, was under a court-imposed order (pursuant to an order issued by a Department of Labor administrative law judge) to immediately provide them to GPC. NRC did not transcribe or copy these tapes before returning them to GPC. GPC's counsel confirmed that it prepared transcripts of the 201 recordings produced to GPC by Mr. Mosbaugh.

During the course of this proceeding, Intervenor's counsel has made, on more than one occasion, informal requests to GPC's counsel to provide Intervenor access to these transcripts.¹

Based on Intervenor's review of information contained in these tapes it is apparent to Intervenor's counsel that

¹ GPC did produce a hand full of these transcripts to Intervenor, but has since refused to produce the remainder of the transcripts.

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Intervenor will seek to admit portions of these tape recordings into the record of this proceeding. Other than GPC's tape transcripts, it appears that no other transcript of these recordings exist.

GPC's counsel has declined Intervenor's request to obtain a copy of the following tapes (identified by NRC tape number):
001-006, 015, 016, 022, 023, 025, 026, 033, 036-038, 044, 046, 051, 052, 054-056, 059-065, 067, 068, 070, 072, 077, 078, 080, 082, 084, 085, 088, 091-094, 097, 104, 105, 108-121, 123-125, 129-142, 144-154, 163, 164, 170, 171, 173, 174, 176-181, 189-198, 202, 203, 206-211, 218, 221, 228, 229, 232, 233, 235-244, 263, 265, 270-277.

GPC's counsel has indicated on more than one occasion that its client is interested in expediting this proceeding. The failure to produce these tapes will only slow down these proceedings (i.e., oral review of tapes by Intervenor's counsel would be far more time consuming than review of transcripts). Moreover, the process employed by the parties to date to obtain stipulations to language contained in tape recordings is that each party reviews the same tape transcript and that a final transcript containing stipulations as to language will be produced which identifies any remaining disagreements. As a tape transcript already exists for these tapes it would be counter-productive not to begin the review process with the existing transcripts.

Finally, turning over these transcripts is consistent with the past procedure where NRC Staff turned over all of the tape transcripts to GPC and Intervenor's counsel turned over all transcripts and tapes to Intervenor's possession. To exempt GPC would only delay these proceedings.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Motion to Compel Tape Transcripts, dated May 2, 1994 has been served on the 2nd day of May, 1994 by hand delivery on May 3, 1994 on the following (and by facsimile on May 2, 1994 on those persons designated with an "*"):

- * Administrative Judge
Peter B. Bloch, Chair
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Administrative Judge
James H. Carpenter
933 Green Point Drive
Oyster Point
Sunset Beach, NC 28468
- * Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * *Charles A. Barth, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
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[continued on next page]


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and by first class mail on May 2, 1994 upon:

Office of the Secretary
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

By:



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