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RELATED CORRESPONDENCE

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

DOCKETED
USNRC

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

NOTICE OF DEPOSITION BY WRITTEN INTERROGATORIES
AND ORAL EXAMINATION AND REQUEST FOR DOCUMENTS

I. INTRODUCTION

Pursuant to Title 10 of the Code of Federal Regulations, the Rules of Practice before the Atomic Safety and Licensing Board, 10 C.F.R. §§ 2.740a, 2.740a(f), 2.740b and 2.741, Allen L. Mosbaugh, Intervenor, hereby gives notice of deposition by written interrogatories and oral examination of the persons identified in Part II(A) of this Notice. The written interrogatory questions are to be answered under oath within 14 days of service of this document by each person identified in Part II(A) of this Notice. The sworn interrogatory answers are to be delivered to the Intervenor pursuant to the directions noted in Part II(K) of this Notice. The interrogatory questions may be signed, under oath, during the oral examination of the deponent. Each deponent is requested to produce all requested documents at the time of his or her oral examination and to mail a copy of any document not produced at the time of his or her deposition to the law office of Kohn, Kohn and Colapinto, P.C. on or before June 20, 1994

II. INSTRUCTIONS

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A. Each of the persons listed below is to answer the interrogatories individually and distinguishably:

1. Kerry E. Adams
2. Edward L. Addison
3. Bennett A. Brown
4. William P. Copenhaver
5. A.D. Correl
6. Custodian of Documents, Board of Directors
7. Wayne T. Dahlke
8. James K. Davis
9. Paul J. DeNicola
10. Dwight H. Evans
11. Jack Edwards
12. William A. Fickling, Jr.
13. H. Allen Franklin
14. Bill M. Guthrie
15. L.G. Hardman
16. Elmer B. Harris
17. Gene R. Hodges
18. Robert H. Haubein
19. Warren Y. Jobe
20. Gale E. Klappa
21. James R. Lientz, Jr.
22. Charles D. Mccrary
23. Earl D. McLean, Jr.
24. John M. Mcintosh

25. William A. Parker, Jr.
26. G. Joseph Prendergast
27. David M. Ratcliffe
28. Herman J. Russell
29. William J. Rushton, III
30. Gloria M. Shatto
31. Robert Strickland
32. Herbert Stockham
33. William Jerry Vereen
34. Thomas R. Williams
35. Fred D. Williams
36. Louis J. Willie

37. Corporate Representative with knowledge of the actions taken and/or decisions made by or on behalf of the Board of Directors.

Each of these persons is either a director or officer of Georgia Power Company and/or The Southern Company (or an officially designated corporate representative) and is hereby noticed for deposition by written interrogatory and oral examination in his or her capacity as a director, representative and/or officer of said corporation.

B. 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.

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

D. 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 responsive;

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.

E. 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.

8. The identification and location of the files where the original and each copy is kept in the regular course of business and the custodian thereof; and whether the document will be made available for inspection and copying, and the site of such voluntary production.

F. If an interrogatory could, at one time, have been answered by consulting documents that are no longer in existence, the respondent must in responding to the interrogatory:

1. Identify what information was maintained in such documents;

2. Identify all documents that contained such information;
3. State the time period during which such documents were maintained;
4. State the circumstances under which such documents ceased to exist;
5. Identify all persons having knowledge of the circumstances under which documents ceased to exist; and
6. Identify all persons who have knowledge or had knowledge of the documents and their contents.

G. If you once had any document responsive to the request for production, but said document has been destroyed, lost, given or loaned to another or is otherwise unavailable for inspection, give the following information:

1. The name and address of all other persons who have or may have said document;
2. A summary of the contents of said document; and
3. The date and reason why the document was destroyed, lost, loaned, given or otherwise became unavailable.

H. 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.

I. In each instance where you are asked to identify or to state the identity of a person, or when 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.

J. As used herein, the phrases "state in detail", "answer 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.

K. Each of the 36 persons identified in this Instruction shall deliver his or her sworn answers to these written interrogatories to 4651 Roswell Road, NE, Suite F-504, Atlanta, Georgia 30342 on the date(s) listed below:

1. Kerry E. Adams, June 6, 1994 at 8AM;
2. Edward L. Addison, June 6, 1994 at 9AM;
3. Bennett A. Brown, June 6, 1994 at 10AM;
4. William P. Copenhaver, June 6 1994 at 11AM;
5. A.D. Correl, June 6, 1994 at 12 noon;
6. Custodian of Documents, Board of Directors, please produce all documents, by U.S. Mail, first class, to the law office of Kohn, Kohn and Colapinto, P.C., 517 Florida Ave., NW Washington, D.C. 20001 on June 20, 1994;
7. Wayne T. Dahlke, June 6, 1994 at 1PM;
8. James K. Davis, June 6, 1994 at 2PM;
9. Paul J. DeNicola, June 6, 1994 at 3PM;
10. Dwight H. Evans, June 6, 1994 at 4PM;
11. Jack Edwards, June 6, 1994 at 5PM;
12. William A. Fickling, Jr., June 6 1994 at 6PM;
13. H. Allen Franklin, June 7, 1994 at 8AM;
14. Bill M. Guthrie, June 7, 1994 at 9AM;
15. L.G. Hardman, June 7, 1994 at 10AM;
16. Elmer B. Harris, June 7, 1994 at 11AM;
17. Gene R. Hodges, June 7, 1994 at 12noon;

18. Robert H. Haubein, June 7, 1994 at 1PM;
19. Warren Y. Jobe, June 7, 1994 at 2PM;
20. Gale E. Klappa, June 7, 1994 at 3PM;
21. James R. Lientz, Jr., June 7, 1994 at 4PM;
22. Charles D. Mccrary, June 7, 1994 at 5PM;
23. Earl D. McLean, Jr., June 7, 1994 at 6PM;
24. John M. McIntosh, June 8, 1994 at 8AM;
25. William A. Parker, Jr., June 8, 1994 at 9AM;
26. G. Joseph Prendergast, June 8, 1994 at 10AM;
27. David M. Ratcliffe, June 8, 1994 at 11AM;
28. Herman J. Russell, June 8, 1994 at 12noon;
29. William J. Rushton, III, June 8, 1994 at 1PM;
30. Gloria M. Shatto, June 8, 1994 at 2PM;
31. Robert Strickland, June 8, 1994 at 3PM;
32. Herbert Stockham, June 8, 1994 at 4PM;
33. William Jerry Vereen, June 8, 1994 at 5PM;
34. Thomas R. Williams, June 8, 1994 at 6PM;
35. Fred D. Williams, June 9, 1994 at 9AM;
36. Louis J. Willie, June 9, 1994 at 8AM;
37. Corporate Representative with knowledge of actions taken and/or decisions made by or on behalf of the Board of Directors, June 9, 1994 at 12noon.

III. DEFINITIONS

A. "You", or "Your" and any synonym thereof and derivative therefrom are intended to, and shall, embrace and include each

person listed, (answering separately), in their capacity as a member of the Board of Directors an/or an officers of Georgia Power Company, The Southern Company, and/or SONOPCO, 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 each person listed in any manner with respect to any matter referred to in the Petition.

B. As used herein, the term "documents" shall mean every instrument or device by which, through which or on which information has been recorded including those reflecting meetings, discussions or conversations 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, letters, drawings, files, graphs, charts, maps, photographs, deeds, studies, data sheets, charts, index, tape, record, partial or complete report of telephone or oral conversation, compilation, tabulation, study, analysis, transcript, minutes, telephone bills, telephone messages, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, voice recordings, computer printouts, and device or media on which or through which information of any type is transmitted,

recorded or preserved 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 person listed or any employees, representatives, attorneys, investigators, or others acting on his behalf. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

C. "Contact" means any and all communication by any means whatsoever that involved a transfer of information, whether written, oral or in any other form, including discussions, letters, memoranda, telephone calls, or telegrams.

D. The term "identify" means:

1. As to conversations, stating the parties of the conversation, the date of the conversation, the subject matter of the conversation, and the portions of the conversation responsive to the particular interrogatory;

2. As to the individuals, stating their name, business address, position or job, their relation, if any, to the parties in this proceeding, and their present or former affiliation or contact with Respondent;

3. As to meetings and contacts, stating the date of each such meeting or contact, the participants and the titles of those participants, and the substance thereof. Identify all documents written during, or as a result of, such meeting or

contact. Identify all communications preceding, during, and subsequent to such meeting or contact.

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

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

G. 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.

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

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

K. As used herein, the terms "Board of Directors" and/or "Board" shall mean the Board of Directors of The Southern Company, SONOPCO, and/or Georgia Power Company, and any subcommittee, special committee, task force, or any other such subdivisions of these entities.

L. As used herein, the terms "Officers" and/or "Office" shall mean one who is an executive officer of The Southern Company, SONOPCO, and/or Georgia Power Company and any

subcommittee, special committee, task force, or any other such subdivisions of these entities.

M. As used herein, the term "site area emergency" shall mean the March 20, 1990, event and everything that has happened since which directly or indirectly relates back to it.

N. As used herein, the term "licensing proceeding" shall mean the current proceeding in which the Licensee is attempting to transfer the license to SONOPCO. ASLBP No. 93-671-01-OLA-3.

O. As used herein, the term "investigation by the Department of Justice" shall mean the investigation by the Department of Justice into the false information given to the NRC by GPC officials regarding the reliability of the Diesel Generators as pertains to the site area emergency of March 20, 1990.

P. As used herein, the term "investigation by the NRC Office of Investigations" shall mean the investigation by the NRC Office of Investigations initiated as a result of information received in June 1990 by Region II alleging, in part, that material false statements were made to the NRC by GPC senior officials regarding the reliability of the Diesel Generators.

Q. As used herein, the term "independent review" shall mean any investigation, inquiry, or review in which you participated, directed, conducted or initiated to gather and/or review information pertaining to the LER, the Site Area Emergency, the Notice of Violation, the OI Report, the Memorandum of Vogtle Coordinating Group, the Mosbaugh tapes, the Senate

Hearings, the investigation by the Department of Justice, the investigation by the NRC Office of Investigations, the licensing proceedings and/or any matter related to the issue of whether the Southern Company has the character or competence to be licensed by the NRC to operate a nuclear power facility.

R. As used herein, the term "Licensee Event Report" or "LER" shall mean the Licensee Event Report (LER) 50-424/90-006, "Loss of Offsite Power Leads to Site Area Emergency", submitted by GPC on April 19, 1990.

S. As used herein, the term "U.S. Senate hearings" shall mean the hearings held in July 1993 before the U.S. Senate Committee on the Environment and Public Works, Subcommittee on Clean Air and Nuclear Regulation to consider the NRC's handling of intimidation and harassment allegations by employees within the nuclear industry.

T. As used herein, the term "Mosbaugh tapes" shall mean all tape recordings made by Allen Mosbaugh, which the parties have identified by number, and the transcripts thereof.

U. The term "Vogtle Coordinating Group" or "Group" shall mean the Vogtle Coordinating Group and all its respective agents, servants, associates, employees, representatives, and others who are or have been in possession of or may have obtained information for or on behalf of the Vogtle Coordinating Group.

V. The term "OI Report" shall mean NRC Office of Investigations Report No. 2-90-020.

W. The term "Notice of Violation" shall mean the May 9, 1990 Notice of Violation and Proposed Imposition of Civil Penalties issued against GPC.

X. The term "meeting(s)" shall mean meetings of the Board of Directors and/or the Officers of The Southern Company, SONOPCO, and/or Georgia Power Company, and any subcommittee, special committee, task force, or any other such subdivisions of these entities. The term "meeting" shall also mean any gathering, meeting or event in which two or more members of the Board of Directors of the Southern Company and/or Georgia Power Company were present (either physically or telephonically).

IV. INTERROGATORIES AND DOCUMENT REQUEST

1. State your name and your home and work addresses.
2. Please describe any Board of which you are a member, and/or office(s) you hold and the length of time you have been a member of the Board(s), or held the Office(s).
3. Describe in detail your educational and employment history.
4. State in detail the basis for your ability and competence or special expertise to make decisions concerning the operation of an atomic energy facility.
5. List all meetings that you have attended since March 20, 1990. If you have been absent from a formal meeting please explain why.
6. List every meeting you attended in which the following was discussed:

- a. the site area emergency;
- b. any of the allegations against Georgia Power Company by Allen Mosbaugh;
- c. commencement of the licensing proceeding;
- d. the investigation by the Department of Justice;
- e. the investigation by the NRC Office of

Investigations;

- f. the Senate hearings;
- g. the petition by Allen Mosbaugh to intervene in the licensing proceeding;
- h. the Mosbaugh tapes;
- i. the Vogtle Coordinating Group;
- j. the Notice of Violation
- k. the OI Report.

7. Produce all notes taken by you, during and after, the meetings in which the items in interrogatory 6 above, were discussed.

8. State in detail when you first became aware of each of the items in interrogatory 6 above, how you became aware of each item, and who brought it to your attention.

9. Describe in detail any contacts you had with anyone concerning the items in interrogatory 6 above.

10. Did you ask any questions, during or after, meetings about any of the items listed in interrogatory 6 above. If so, state in detail all of the questions, the responses you received,

the persons from whom you received the responses, and produce all documents created as a result.

11. Did you conduct an independent review of any of the items from the meetings listed in interrogatory 6 above. If you did, answer the following questions, in detail, for each item for which you conducted an independent review:

- a. Why did you feel it was necessary;
- b. When did you conduct your independent review;
- c. What did you discover from your independent review;
- d. Were any documents created as a result of your independent review. If so, produce all of them.

12. Have you ever requested any documents concerning the items in interrogatory 6 above. If you have please produce each document and answer the following questions, in detail, for each document you requested:

- a. Why did you request the document;
- b. When did you request the document;
- c. When did you receive the document;
- d. Was any request you made for a document refused, if so please describe in detail every such occurrence.

13. Have you ever listened to or read a transcript of any of the "Mosbaugh" tapes. If so, please give the tape number and describe the segment(s) to which you have listened or read. Also, give the name(s) of the person(s) who selected the segment(s) to which you have listened or read.

14. State in detail your understanding of what would have happened on March 20, 1990, if offsite power had not been restored to Plant Vogtle.

15. Are you aware of how many deaths would have occurred if offsite power had not been restored to Plant Vogtle. If so, how and from whom did you obtain this knowledge.

16. Have you ever been to Plant Vogtle. If so, please give the date, time, state in detail your reason for being there and produce any notes taken or documents received during or created as a result of your visit.

17. Have you ever read any newspaper articles concerning the site area emergency, the licensing proceeding, the OI Report, and/or the notice of violation. If so, please list and state who brought the article(s) to your attention.

18. Have you ever been provided with copies of the following documents:

- a. Documents related to the Site Area Emergency
- b. Notice of Violation
- c. LER
- d. OI Report
- e. Memorandum of Vogtle Coordinating Group Analysis

19. Please answer the following questions, in detail, for each of the documents identified in question number 18:

- i. When did you first see this document;
- ii. Who showed it to you;
- iii. Why was it was shown to you;

iv. Where was it shown to you;

v. Have you ever before seen a document similar to this one.

vi. Identify all contacts you have had concerning these documents;

vii. Produce all documents, within your possession, directly and indirectly related to these documents.

20. When did you learn the meaning of a "Site Area Emergency?" Explain your understanding of this type of event and how you learned the meaning of this type of event.

21. When did you learn the meaning of a Licensee Event Report? Explain your understanding of this type of report and how you learned the meaning of this type of report.

22. Have you ever read a copy of the Atomic Energy Act and/or the Energy Reorganization Act? If yes, please state when you first read these laws and your understanding of these laws.

23. Have you ever read the NRC regulations concerning the operation of a nuclear power facility codified in Title 10 of the Code of Federal Regulations? If yes, please state when you first read these regulations and your understanding of these regulations.

24. Did you ever vote during a meeting to transfer the license to operate Plant Vogtle from GPC to SONOPCO. If yes, how did you vote and why?

25. At the time of the vote identified in question number 24, were you aware of any of the allegations raised in the following documents:

- a. the site area emergency;
- b. any of the allegations against Georgia Power Company by Allen Mosbaugh;
- c. commencement of the licensing proceeding;
- d. the investigation by the Department of Justice;
- e. the investigation by the NRC Office of Investigations;
- f. the Senate hearings;
- g. the petition by Allen Mosbaugh to intervene in the licensing proceeding;
- h. the Mosbaugh tapes;
- i. the Vogtle Coordinating Group;
- j. the Notice of Violation
- k. the OI Report.

26. Are you aware of any steps taken by any corporation for which you are an officer or director to mitigate any of the violations identified in the OI Report, the Notice of Violation, the petition by Allen Mosbaugh to intervene in the licensing proceedings and/or the investigation by the NRC Office of Investigations? If yes please state as follows:

- a) Identify each step taken to so mitigate the violation or alleged violation;
- b) State the date of each such mitigative action;

- c) The reason each such mitigative step was undertaken;
- d) The corrective action anticipated by taking each mitigative step;
- e) Produce all documents directly or indirectly related to each mitigative step.

27) If you answered question No. 26 in the negative, please explain in full why you believe that no mitigative actions have been taken? If you believe that corporations for which you are a member of the Board of Directors are not required to undertake any mitigative steps, please state your reason for this belief.

V. REQUEST FOR PRODUCTION OF DOCUMENTS

- 1. All documents requested or identified in the above interrogatories.
- 2. All documents used, directly or indirectly, to answer these interrogatories.
- 3. All documents created as a result of receiving and responding to these interrogatories.
- 4. All minutes of every Board of Director meeting between March 20, 1990 and Present.
- 5. All documents in the possession or control of the deponent which are directly or indirectly related to the Site Area Emergency.
- 6. The personal notes and personal documents of each deponent which is relevant, or which may lead to the discovery of relevant information, pertaining to any question asked in the above twenty seven interrogatories and/or relevant to the Site

Area Emergency, the OI Report, the NOV and/or any allegations of misconduct raised by Mr. Mosbaugh.

7. All documents which have been officially provided to any director or officer of GPC and/or Southern Company which relate to the OI Investigation, the Site Area Emergency, the LER, OI Report, the Notice of Violation, the Mosbaugh tapes, the investigation by the Department of Justice, an "independent review", the U.S. Senate hearings, and/or Allen Mosbaugh.

Respectfully submitted,



5/20/94

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

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RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'94 MAY 23 A10:31

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
RECEIVED SECRETARY
DOCKET SERVICE
BRANCH
Re: License Amendment
(transfer to Southern Nuclear)
ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that the attached document has been served on the 20th day of May, 1994 on the following by first class mail postage prepaid:

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
Washington, D.C. 20555

John Lamberski, Esq.
Troutman Sanders
Suite 5200
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Atlanta, GA 30308-2216

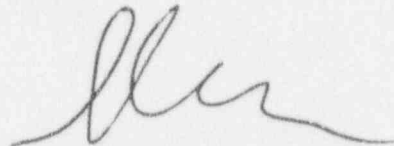
[continued on next page]

* Ernest L. Blake, Jr.
David R. Lewis
SHAW, PITTMAN, POTTS &
TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20037
(served by hand)

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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