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DOCKETING & SERVICE May 23, 1994  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

SERVED MAY 24 1994

In the matter of  
  
GEORGIA POWER COMPANY,  
et al.  
  
(Vogtle Electric Generating  
Plant, Units 1 and 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

MEMORANDUM AND ORDER  
(Scope of Proceeding)

Today we received by facsimile transmission a letter from Georgia Power containing what we interpret to be a motion to limit the scope of scheduled depositions in accordance with prior rulings of this Board. We have decided to deny Georgia Power's motion without waiting for a response. Our ruling is relevant to depositions scheduled during the next two days and must, therefore, be made promptly.

The Georgia Power motion is based on a ruling of the Board that predated the issuance to Georgia Power of a Notice of Violation and Proposed Imposition of Civil

1502

Penalties on May 9, 1994 (NOV).<sup>1</sup> The motion argues, primarily, that three aspects of the NOV were not mentioned in this proceeding and may not be raised as issues. The issues sought to be excluded from this case are: (1) the accuracy and completeness of a Georgia Power statement in June 29, 1990 letter to the NRC concerning GPC's April 9 letter and April 19 LER, (2) the accuracy and completeness of a Georgia Power statement in an August 30, 1990 letter to NRC concerning Georgia Power's April 9 letter to NRC, and (3) the issue of air quality (high dew point readings) that might affect the starting of the Vogtle diesel generators.

The NOV was based on an extensive investigation conducted by the Office of Investigations of the Nuclear Regulatory Commission.<sup>2</sup> The matters contained in the NOV also were considered by the Vogtle Coordinating Group, which was comprised of NRC Staff members selected for their expertise in evaluating these charges.<sup>3</sup>

We note that our earlier order,<sup>4</sup> which placed some limitations on the scope of this case, delineated the scope of Phase I of this proceeding. At the time, we were aware that it might later be appropriate to expand the scope into

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<sup>1</sup>Docket No. 50-424, License No. NPF-68, EA 93-304.

<sup>2</sup>The investigation was completed December 20, 1993, and was released to the public simultaneously with issuance of the NOV. (Case No. 2-90-020R).

<sup>3</sup>February 9, 1994, released simultaneously with the NOV.

<sup>4</sup>LBP-93-21, 38 NRC 143 (September 24, 1993).

a Phase II proceeding. Without even considering whether the prior limitations did or did not pertain to the matters raised by Georgia Power, we have determined that it is necessary to include all the matters in the NOV in the scope of this proceeding. We are hearing an allegation that SONOPCO lacks the character and competence to run a nuclear power plant. We do not know, at this time, whether the allegations in the NOV are valid. However, we have examined extensive documentation that suggests that they have been carefully considered. Hence, the allegations of the NOV are relevant and important to the pending contention. To exclude any of those allegations would be to have an inadequate record, compiled with blinders that would keep us from examining a portion of the relevant facts. This we shall not do.

All the allegations in the NOV are relevant to this case. IT IS SO ORDERED.<sup>5</sup>

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Peter B. Bloch  
Chair

Bethesda, Maryland

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<sup>5</sup>Motions for reconsideration may be filed within ten days. However, this ruling shall apply during the pending depositions.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

GEORGIA POWER COMPANY, ET AL.

(Vogtle Electric Generating Plant,  
Units 1 and 2)

Docket No.(s) 50-424/425-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (LBP-94-15) (SCOPE...) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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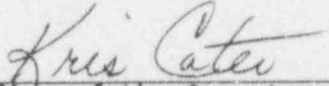
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Docket No.(s)50-424/425-OLA-3  
LB M&O (LBP-94-15) (SCOPE...)

C. K. McCoy  
V. President Nuclear, Vogtle Project  
Georgia Power Company  
Post Office Box 1295  
Birmingham, AL 35201

Dated at Rockville, Md. this  
24 day of May 1994

  
Office of the Secretary of the Commission