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USNRC

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

'94 JUN 22 P3:28

In the Matter of)
)
GEORGIA POWER COMPANY)
et al.,)
)
(Vogtle Electric Generating)
Plant, Unit 1 and Unit 2)
_____)

OFFICE OF SECRETARY
DOCKETING & SERVICE

Docket Nos. 50-424-OLA-3
50-425-OLA-3

Re: License Amendment
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

INTERVENOR'S MOTION TO COMPEL
RESPONSES TO INTERROGATORIES FROM NRC STAFF

Allen L. Mosbaugh, Intervenor in the above captioned case, pursuant to 10 C.F.R. § 2.720(h)(2)(ii), moves this Honorable Licensing Board to compel the Nuclear Regulatory Commission ("NRC") Staff to respond to Intervenor's Second Set of Interrogatories and Request For Documents To NRC Staff, filed in May 17, 1994.

I. BACKGROUND

Intervenor's Second Set of Interrogatories and Request For Documents To Staff of the U.S. Nuclear Regulatory Commission were served by first class mail on May 17, 1994. Although NRC Staff verbally indicated that they would file responses without the need to seek an order to compel from this Board. During the week of June 6, 1994, Intervenor's counsel (during a break in depositions) asked NRC Staff counsel when Staff planned to respond. NRC Staff Counsel replied that Staff was working on its response. On June 17, 1994, Intervenor's counsel transmitted via

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facsimile a letter requesting NRC Staff Counsel to inform Intervenor's counsel by June 19, 1994, when NRC Staff planned to respond. Intervenor's counsel still awaits a response.

II. ARGUMENT

Pursuant to 10 C.F.R. § 2.270(2)(ii) the presiding officer may require that the staff answer the interrogatories upon a finding that the answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source. Intervenor asserts that the interrogatories are (1) relevant to this proceeding and (2) are not available from any other source. The interrogatories basically address the following issues: the prior history of matters before the Commission concerning Ken McCoy's character and competence; the operation and authority of the "Vogtle Coordinating Group," the creation of and information relating to the OE Report; the creation of and information relating to the Notice of Violation; and information pertaining to NRC's release of the "Mosbaugh" tapes. The information sought is not available from any other source and is highly relevant to this proceeding.

III. CONCLUSION

For the forgoing reasons Intervenor respectfully request that this Board compel NRC Staff to respond to Intervenor's Second Set of Interrogatories and Request For Documents To Staff of the U.S. Nuclear Regulatory Commission within five (5) business days.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Proposed Agenda and Intervenor's Motion to Compel Responses to Interrogatories From NRC have been served this 22nd day of June, 1994, by first class mail upon the persons listed in the attached Service List (additional service by facsimile indicated by "*").

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