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

DOCKETED
USNRC

'94 JUN 22 P3 28

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)

INTERVENOR'S PROPOSED AGENDA
FOR JUNE 23, 1994 STATUS CONFERENCE

Intervenor hereby respectfully request the following items be included on the agenda for the June 23, 1994 status conference:

1. Whether Licensee's response to Intervenor's third set of interrogatories are evasive and non-responsive (See Intervenor's Motion to Compel Licensee's Responses to Interrogatory questions (to be filed by close of business, June 22, 1994));
2. Whether NRC Staff should respond to the outstanding interrogatory questions and document request filed by Intervenor (See Intervenor's Motion to Compel NRC Staff's Response to Interrogatory Questions and Documents (filed on June 22, 1994));
3. Whether Licensee's request for and NRC Staff's granting a 60 day continuance to Licensee to response to the May 9, 1994 Notice of Violation ("NOV") and Demands for Information was inconsistent with discovery obligations pending before the ASLB as set forth during the last status conference held before the Board on May 26, 1994. A copy of NRC Staff's letter approving the extension is attached (See June 2, 1994 letter from NRC to

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Georgia Power Company -- a copy of which was not served upon Intervenor until June 16, 1994 when its existence was learned during the course of a deposition).

4. Whether Licensee should be compelled to produce Mr. George Frederick to answer questions objected to by counsel to licensee during the course of the deposition of Mr. Frederick. This line of questioning concerns communications between the NRC Augmented Inspection Team and Plant Vogtle management and whether Plant Vogtle management intentionally deceived the Augmented Inspection Team about safety precautions that had to be followed in response to the Site Area Emergency. In particular, the questioning concerned whether NRC's Augmented Inspection Team on or about March 20, 1990 instructed Plant Vogtle management that the Plant Vogtle Unit 1 containment hatch could not be opened until such time as one diesel generator was declared operable, and that after committing to the NRC Augmented Inspection Team that the hatch would not be opened until such time as at least one diesel generator was declared operable, Plant Vogtle management intentionally violated that commitment to the Inspection Team and opened the containment hatch fully cognizant of the fact that both diesel generator 1A and 1B were declared inoperable and that a "LCO" ("Limiting Condition of Operation") had been recorded in the control room log book with respect to both diesels. See Intervenor Deposition Exhibit 39 (Transcript of NRC Tape No. 25, Side B, shown to Mr. Frederick during the course of his deposition)(attached). Intervenor is particularly

troubled by the fact that Licensee had agreed to allow questioning to commence and then abruptly terminated questioning once the tape segment was identified and played for the witness. Intervenor advised counsel to Licensee that cutting off the questioning at this juncture would prejudice Intervenor's ability to effectively examine the witness about this important incident. Intervenor argued that the questioning was clearly within the scope of the Board's June 2, 1994 Memorandum and Order (Scope of Discovery). To wit, Intervenor advised counsel to Licensee on the record that the June 2, 1994 Order specifically provides that "questions related to whether the representations to the NRC were the whole truth may be raised in this proceeding," including questions concerning "how Georgia Power has attempted to fulfill its safety obligations with respect to diesel generators," and what "Georgia Power's safety obligations were." See June 2, 1994 Memorandum, Section 2, Questions About the Site Area Emergency or Violations of Technical Specifications, at pp. 2-3.

Respectfully submitted,



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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20565-0001

JUN 02 1994

Docket No. 50-424
EAs 93-304, 94-036, 94-037, and
94-052

Georgia Power Company
W. G. Hairston, III
40 Inverness Center Parkway
Post Office Box 1295
Birmingham, Alabama 35201

Dear Mr. Hairston:

SUBJECT: REQUEST FOR EXTENSION OF TIME FOR RESPONSE

I have received your letter of May 27, 1994, in which you request a sixty day extension for Georgia Power Company's (GPC) response to the May 9, 1994 Notice of Violation and Proposed Imposition of Civil Penalties and responses to three Demands for Information. This is to advise that, after due consideration and consultation with the NRC staff, I have decided to grant your request for a sixty day extension. Accordingly, responses on these matters are due no later than August 8, 1994. I would urge you to provide GPC's responses as far in advance of that date as possible.

Sincerely,

James Lieberman
James Lieberman, Director
Office of Enforcement

cc: Mr. J. D. Woodward
Senior Vice President
Georgia Power Company
Nuclear Operations
P. O. Box 1295
Birmingham, AL 35201

J. B. Beasley
General Manager, Plant Vogtle
Georgia Power Company
P. O. Box 1600
Waynesboro, GA 30830

Attachment 1
Page 1 of 1

March 30, 1990

TAPE #25 Side B

Frederick : I haven't figured out yet how, what the justification was.

Mosbaugh: Well

Frederick : Though I've had it explained to me twice that management knew about it.

Mosbaugh: Lackey and Beasley told you that they weren't going to—
— They actually told— I just—That was just an impression that I had but they actually told you they weren't going to put the hatch on.

Frederick : Because I was argueing— I walked—What happened was, I walked into the War Room, uh, the afternoon of the event and uh, the evening of the event and it was late that that day and Mike was discussing with people the removal of the hatch. And I said "How can you discuss the removing the hatch? We need to keep our barriers.", and he recognised that I had a concern and so he went and got Barney and then I think Skip mentioned it to me, slightly. And then we had the big brief with the NRC.

Mosbaugh : Um huh.

Frederick : And basically, at the meeting I thought that the final discussion that I got from George and Skip, because they said it 4 times for clarification, I remember it had to be said 4 times before everybody understood, that we wouldn't reopen the hatch until we had the diesel and the RAT. And we never got the diesel. That night they wrote an LCO on it.

Mosbaugh : Yeah. The diesel was just declared operable 2 days ago.

Frederick : But they wrote an LCO that night, I mean an actual LCO saying that it was inoperable and B was torn apart.

Mosbaugh : Yeah.

Frederick : So there was no way that they could say that they had the diesel, and the next morning when I came in and found out that the hatch was open. Uh, I ask those questions again and uh, Mike, uh, I said how could you all do that, management briefed the NRC. He said, "No, management said we could go ahead".

Mosbaugh : I ask the--

Attachment 2
P182
INTERVIEW
#39
10-17-94

Frederick : That's not what I heard.

Mosbaugh : I, I, I voiced the same concerns in the morning. When I found that the hatch was open in the morning I voiced the same concern.

Frederick : I remember, because you didn't know. You said—

Mosbaugh : I didn't know because, I was the duty manager.

Frederick : Said we breached it in the opposite way and they had to go rebreach it.

Mosbaugh : That's right.

Frederick : Right. I think we're going to—I think that when they get around to the event I think that's a mistake.

Mosbaugh : Yep, and I would say deliberately, I mean you know the pressurizer hatch SNAFU here uh I think was, is a very bad you know situation done out of the chain of command and all that, but I don't think that it was done deliberately.

Frederick : Right.

Mosbaugh : No body deliberately put that hatch on to put the Plant in a less safe condition.

Frederick : Right

Mosbaugh : Okay, It was done out of the chain of command it was a major SNAFU. But, but the hatch really puts the Plant in a less safe the containment hatch puts the Plant in a less safe condition and we did it on purpose.

Frederick : Yeah, I'm of the opinion that the hatch should still be shut right now, never have been reopened, they could have done then, well they might have had a little difficulty with leak rate—

Mosbaugh : The hatch, in my opinion the hatch could have only, to be safe, should have only be reopened once the diesel was operable.

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SECRETARY
OFFICE
BRANCH

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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(202) 234-4663

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BRANCH

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