

15258  
RELATED CORRESPONDENCE

DOCKETED  
JUN 22, 1994

UNITED STATES OF AMERICA

'94 JUN 23 P4:07

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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 \*

GEORGIA POWER COMPANY'S  
SECOND REQUEST FOR ADMISSIONS AND FOURTH REQUEST  
FOR PRODUCTION OF DOCUMENTS TO INTERVENOR

I. INTRODUCTION.

Pursuant to 10 C.F.R. § 2.742, Georgia Power Company hereby requests Intervenor to admit the truth of relevant facts and the accuracy of tape transcripts concerning Intervenor's allegation that GPC made false statements to the Nuclear Regulatory Commission concerning the Plant Vogtle diesel generators following the March 20, 1990 site area emergency. GPC requests that Intervenor respond to this request for admissions so that the response is received by GPC on or before July 8, 1994. In addition, pursuant to 10 C.F.R. § 2.741, GPC requests that Intervenor produce all

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all documents responsive to the following discovery requests within 30 days of service of this document.

II. INSTRUCTIONS.

A. In addition to the requirements of 10 C.F.R. § 2.742, in each case where Intervenor denies a request for admission, Intervenor is to provide a detailed explanation of the bases for such denial, identify all documents on which such denial is based and produce all such documents which have not already been produced to GPC.

B. Where the following requests for admissions contain references to multiple statements, Intervenor is to provide a separate and distinct response to each statement referred to in such request.

C. If you cannot answer a particular request 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.

D. If you claim that any information which is required to be provided by you in your response to any of these requests is privileged or immune from discovery:

1. Identify the portion of the request 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 request 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 person 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.

F. As used herein, the phrases "state 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 request.

### III. DEFINITIONS.

A. As used herein, the terms "Intervenor", "you," or "your" and any synonym thereof and derivative therefrom are intended to, and shall, embrace and include Intervenor Allen L. Mosbaugh and counsel for Intervenor 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 Intervenor in any manner with respect to any matter referred to in the Petition.

B. As used herein, the term "documents" includes 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, chart, index, tape, record, partial or complete report of telephone or oral conversation, compilation, tabulation, study, analysis, transcript, minutes, 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 Intervenor or any employees, representatives, attorneys, investigators, or others acting on his behalf.

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

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

E. 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.

F. As used herein, the term "Amended Petition" shall mean the Amendments to Petition to Intervene and Request for Hearing, dated December 9, 1992, filed by Intervenor in this proceeding.

G. As used herein, the term "GPC" shall mean the Georgia Power Company, a subsidiary of The Southern Company.

H. As used herein, the term "Southern Nuclear" shall mean the Southern Nuclear Operating Company, Inc., 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.

#### IV. REQUEST FOR ADMISSIONS AND DOCUMENT PRODUCTION.

A. A copy of the Vogtle Coordinating Group Analysis, dated February 9, 1994 is attached. The following requests, numbered 1 through 7, relate to that document:

1. The "Evidence for Allegations Nos. 1 and 2" recited at pp. 4-12 contains 66 separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements attributed to individuals, which Intervenor accepts as true and correct: 4, 5, 12, 14, 19, 32, 33, 34, 38, 52, 58, 59, 60, 61, 62, and 63.

2. The "Evidence for Allegation No. 3" recited at pp. 15-19 contains 39 separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements attributed to individuals, which Intervenor accepts as true and correct: 16, 24, 28, 33, 38, and 39.

3. The "Evidence for Allegation No. 4" recited at pp. 25-31 contains 45 separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements attributed to individuals, which Intervenor accepts as true and correct: 10, 12, 13, 16, 17, 18, 24, 26, 27, 28, 30, 32, 33, 38, 39, and 40.

4. The "Evidence for Allegation No. 5" recited at pp. 34-39 contains 42 separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements

attributed to individuals, which Intervenor accepts as true and correct: 3 through 28, 32, 33, 35, 36, 37, 38, 39, and 40.

5. The "Evidence for Allegation No. 6" recited at pp. 42-43 contains nine separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements attributed to individuals, which Intervenor accepts as true and correct: 1 through 8.

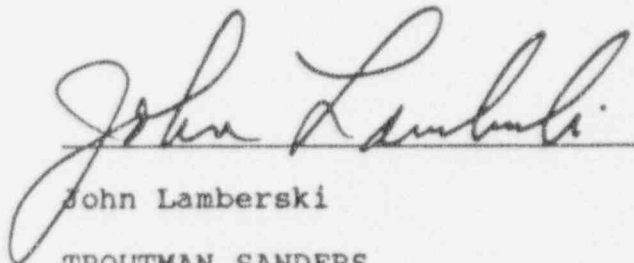
6. The "Evidence for Allegation No. 7" recited at pp. 45-46 contains six separately numbered paragraphs. Intervenor is requested to admit that each of the following paragraphs contain statements, including statements attributed to individuals, which Intervenor accepts as true and correct: 1 through 4.

7. In the section entitled "Comparison of OI and Coordinating Grpup Conclusions on Overall GPC Performance," at p. 47, the following statement is made: "In no case was the Group able to find that any individual deliberately provided inaccurate or incomplete information to the NRC." Intervenor is requested to admit that such statement is true and correct.



B. Intervenor is requested to admit to the accuracy of each of the transcripts proffered by GPC in its February 28, 1994 letter to Intervenor and the NRC Staff, a copy of which is enclosed. In the event that Intervenor denies the accuracy of any particular transcript, Intervenor is requested to identify the particular wording of such transcripts to which he does not admit and to supply the replacement wording which Intervenor believes to be accurate.

Dated: June 22, 1994.



John Lamberski

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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

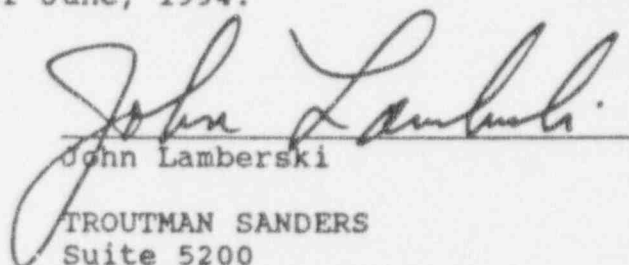
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In the Matter of \*  
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GEORGIA POWER COMPANY, \* Docket Nos. 50-424-OLA-3  
et al. \* 50-425-OLA-3  
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(Vogtle Electric \* Re: License Amendment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

CERTIFICATE OF SERVICE

This is to certify that copies of the within and fore-  
going "Georgia Power Company's Second Request for Admissions  
and Fourth Request for Production of Documents to  
Intervenor" were served on all those listed on the attached  
service list by depositing same with an overnight express  
mail delivery service.

This is the 22nd day of June, 1994.

  
John Lamberski

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

In the Matter of  
GEORGIA POWER COMPANY,  
et al.

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

(Vogtle Electric  
Generating Plant,  
Units 1 and 2)

\* Re: License Amendment  
\* (Transfer to Southern  
\* Nuclear)  
\*

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

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February 28, 1994

VIA AIRBORNE EXPRESS

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Re: Georgia Power Company (Vogtle Electric Generating Plant, Units 1 and 2)  
NRC Docket Nos. 50-424-OLA-3, 50-425-OLA-3; License Amendment for  
Transfer to Southern Nuclear Operating Company

Gentlemen:

The Licensing Board's Memorandum and Order (Prehearing Conference Order: Schedule), dated February 1, 1994, required the parties to file requests for stipulations concerning key portions of the Mosbaugh tapes by March 1, 1994. Enclosed herewith Georgia Power Company ("GPC") provides Intervenor and the NRC Staff with proposed transcripts of portions of various tape recordings.

The enclosed transcripts are grouped into three categories: (1) copies of the transcripts prepared by NRC<sup>1</sup> with hand-marked GPC corrections (Tape Nos. 42, 74, 75, 76, 98, 159, 160, 167, 184, 186, 187, 253, 258 and 267); (2) transcripts originally prepared by Brown Reporting Company and revised by GPC (Tape Nos. 11, 17, 19, 21, 27, 29, 32, 34, 35, 39, 40, 43, 53, 69, 71, 79, 89, 90, 143, 157, 161 and 172); and (3) a copy of an unmonitored

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<sup>1</sup> At the January 27, 1994 status conference, counsel for the NRC Staff suggested that there is more than one version of the NRC transcripts for those Mosbaugh tapes which were transcribed by NRC. The enclosed mark-ups utilize the only version of the NRC transcripts which the NRC Staff has produced to GPC.

Charles Barth, Esquire  
Michael D. Kohn, Esquire  
February 28, 1994  
Page 2

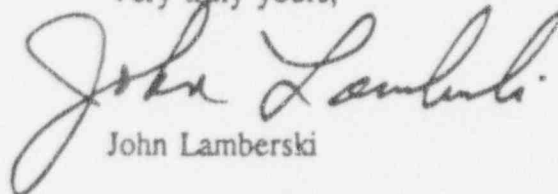
transcript prepared by Ann Riley Associates from an NRC tape recording of an April 3, 1990 telephone conference call among the NRC IIT, NRC Region II and GPC (IIT #257) with hand-marked corrections by GPC based on Mr. Mosbaugh's Tape Nos. 29 and 30. Please note that the enclosed transcripts have not been verified by those individuals who were recorded.

The transcripts prepared by GPC (category 2 above) are, for the most part, the same transcripts which were produced to Mr. Mosbaugh on June 2, 1993, pursuant to Intervenor's First Request for Production of Documents by Georgia Power Company, dated May 4, 1993. Although GPC has made a number of corrections to those transcripts since June 2, 1993, GPC has attempted to retain the original page and line numbering so that the changes are readily apparent.

In the event that either the NRC Staff or Intervenor declines to stipulate to any portion of the enclosed transcripts, Georgia Power requests that such party state its objections in writing with specificity. Thereafter, if necessary, I propose that the parties meet in an effort to resolve their differences concerning these stipulations. If an agreement concerning those differences cannot be reached among the parties alone, Georgia Power will request the assistance of the Licensing Board or the Chairman.

Thank you for your cooperation in this matter.

Very truly yours,

  
John Lamberski

xc: Atomic Safety and Licensing Board