

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)
GEORGIA POWER COMPANY	) Docket Nos. 50-424-OLA-3
<i>et al.</i>	) 50-425-OLA-3
(Vogtle Electric Generating Plant,	) Re: License Amendment
Units 1 and 2)	) (Transfer to Southern Nuclear)
	)

AFFIDAVIT OF STEWART B. EBNETER  
REGARDING BOARD QUESTIONS OF DECEMBER 22, 1994

I, Stewart D. Ebnetter, being duly sworn, state as follows:

1. I am employed by the Nuclear Regulatory Commission as Regional Administrator for Region II, Atlanta, Georgia.
2. The purpose of this affidavit is to respond to the following questions posed by the Board in an Order, dated December 22, 1994:

The Licensing Board for the Georgia Power Company license amendment case is about to begin hearings concerning whether or not there was an illegal transfer of Georgia Power Company's authority to operate the Vogtle Plant and whether there were misrepresentations to the NRC concerning the allegedly illegal transfer. Intervenor's allegation is that the authority over nuclear operations passed to the SONOPCO project (or Southern Nuclear) some time in the 1988 to 1994 time frame as the result of the management practices and authority relationships among the individuals involved in the project. This phase of the proceeding now focuses not only on whether an illegal transfer occurred but also on whether misrepresentations (including omissions concerning material facts) were made to the NRC concerning the way that authority was actually exercised over the Vogtle nuclear operations.

Your testimony has been sought by Intervenor, which seeks to explore the extent of your knowledge about the people and institutions that had

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influence over nuclear operations at Vogtle. To help the Licensing Board to determine whether you may be needed as a witness, please answer the following questions:

(1) Do you have any knowledge that might be directly or indirectly relevant and that might not also be known to at least one of the following scheduled witnesses: Mr. Darl S. Hood, Mr. John Rogge, and Mr. Frederick R. Allenspach?

1. No, I think it is highly unlikely that I have any significant or different information. Mr. Rogge was the on-site resident inspector for several years and interfaced daily with the Georgia Power Company (GPC) site management at Vogtle on inspection matters. He also had periodic interface with GPC corporate management when they visited on site. Mr. Hood has been the project manager for Vogtle since August 1990 and has been a primary contact with the licensee with regard to licensing matters, including management/ownership changes. I believe that he and other headquarters employees, like Mr. Allenspach, are more knowledgeable about the illegal transfer issue. I reported to Region II as the Regional Administrator in March 1989, shortly before the issuance of the Unit 2 license. My contact with GPC officials has been infrequent and I possess only a general knowledge of the GPC and SONOPCO management organization for Vogtle.

(2) Did you have any face-to-face or oral communications with Georgia Power or SONOPCO personnel when none of the following were present: Mr. Hood, Mr. Rogge and Mr. Allenspach?

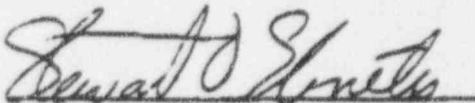
2. Yes, but to my recollection, none of these communications with Georgia Power or SONOPCO were about corporate structure, reorganization or ownership issues. Such licensing issues would be directed to and handled by NRC

Headquarters. I certainly do not recall ever having participated in meetings or engaging in conversations with Mr. Farley or Mr. Dahlberg.

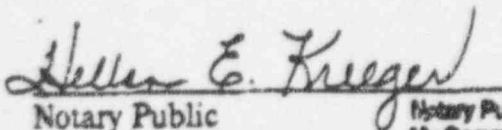
(3) If your answer to question (2), immediately above, is "yes," did you received [sic] any information in these communications (including the demeanor of the people to whom you spoke) that affected in any way your opinions about the extent of the authority over nuclear operations that was actually exercised by Georgia Power (or Mr. Dahlberg or by a Georgia Power committee or group) or by SONOPCO (or Mr. Farley or by a SONOPCO committee or group)?

3. Yes, my interactions with GPC management led me to believe that only GPC exercised authority over the nuclear operations at Vogtle and related support activities of SONOPCO.

The foregoing responses are true and correct to the best of my knowledge and belief.

  
Stewart D. Ebnetter

Sworn and subscribed to before me  
this 29th day of December 1994



Notary Public

My commission expires: \_\_\_\_\_

Notary Public, Cobb County, Georgia  
My Commission Expires April 1, 1998