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December 21, 1994

Via Facsimile

Charles Barth, Esq.  
Office of the General Counsel  
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Stop 15B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Georgia Power Company, et.al.  
(Vogtle Electric Generating Plant, Units 1 and 2)  
Dockets Nos. 50-424-OLA-3 & 50-425-OLA-3

SUBJECT: NRC STAFF PERSONNEL AS WITNESSES

Dear Mr. Barth:

Thank you for your letter dated December 20, 1994. Intervenor disagrees with the support and reasoning set forth in your letter. With respect to Messrs. Ebnetter and Brockman, their depositions were limited to "Phase II" and therefore Intervenor could not examine them on matters pertaining to "Phase I." With respect to Phase I, you correctly observe that the hearing covers alleged "omissions and misrepresentations" made to NRC.

Intervenor cannot demonstrate omissions or misrepresentations without determining what was know to the NRC. Because the NRC's regional office has the greatest contact with plant operations, Intervenor selected three Region II personnel, a resident inspector (Mr. Rogge); the Vogtle project manager (Mr. Brockman), and the Regional Administrator (Mr. Ebnetter). Intervenor selected these three individuals because he believes they are representative of what NRC knew about who was in control and what was the reporting relationships over Georgia Power Company's nuclear plants.

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Kohn to Barth  
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Intervenor specifically wishes to point out the Mr. Ebnetter is on the service distribution for FSAR amendments.

In sum, Mr. Ebnetter is in the unique position to testify as to what the NRC's regional administrator's understanding was during the relevant time period. Mr. Brockman is in the unique position to testify as to what the NRC's Vogtle project manager's understanding was during the relevant time period. This testimony represents facts solely within their personal knowledge which Intervenor cannot derive from any other source. This factual information represents the basic foundation from which Intervenor intends to demonstrate that the Licensee made omissions and misrepresentations to NRC.

Intervenor, through counsel, respectfully requests that the Executive Director for Operations reconsider his denial based on the above.

Sincerely yours,



Michael D. Kohn  
Counsel to Intervenor

cc: Service List