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DOCKETING & SERVICE
BRANCH

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

GEORGIA POWER COMPANY'S RESPONSE TO INTERVENOR'S
ADDITIONAL DISCOVERY REQUEST DATED SEPTEMBER 5, 1995

I. INTRODUCTION

Georgia Power Company ("Georgia Power") hereby provides its response to the discovery requests in Intervenor's Motion to Strike Expert Testimony of Hill and Ward; and to Conduct Additional Discovery, dated September 5, 1995 (the "Additional Request") to the extent granted by the Board on September 19, 1995. (Tr. 14241-44).

II. RESPONSE

A. Request No. 4

Intervenor requested Design Change Packages 91-V1N0113, 91-V2N0114 and Minor Deviation Design ("MDD") documents 90-V2M-193 and 90-V1M-194, which are being produced. Intervenor also requested MDD document 89-V1M-194; however, no such MDD document exists. Based on the description of this MDD in NRC Inspection Report 50-424/94-12 and 50-425/94-12, MDD 89-V1M-057 appears to be the appropriate document and is being produced.

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PDR ADOCK 05000424
G PDR

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B. Request No. 8

Intervenor requested certain Maintenance Work Order ("MWO") Packages, identified in Inspection Report 50-424/94-12 and 50-425/94-12 at p. 6, ¶ 2.4. The Board limited this request to those MWO packages issued in 1990, which are being produced as follows:

| | | |
|----------|----------|----------|
| 29004795 | 29004733 | 19001629 |
| 19001404 | 19001433 | 19001185 |
| 19001576 | 19002289 | 19001537 |
| 19003510 | 29000182 | 19003164 |
| 19000016 | 19001435 | 19001511 |
| 19001683 | 19002711 | |

In addition, the inspection report listing referenced above included Deficiency Card 1-90-154 which is also being produced.

C. Request No. 10

Intervenor requested the entire I&C Log for the period 3-9-90 to the end of 1991. Georgia Power is producing the I&C Outage Log for the period March 19, 1990 through November 29, 1990. This is the entire record that Georgia Power is able to locate. Mr. James Sutphin, the I&C Representative responsible for maintaining this log, states that all other portions of the I&C Outage Log have been purged from Georgia Power's files in the normal course of business. Thus, Georgia Power is unable produce any other requested portions of the log.

D. Request No. 11

Intervenor requested the MWO that was in progress when Mr. Robert Johnston detected water in the pneumatic control system in 1995. Georgia Power is producing the two diesel generator control panel functional test MWO packages that Mr. Johnston indicated were in progress when moisture was observed in the starting air pressure guage test line.

E. Request No. 14

Intervenor requested information regarding air start valve actuation pressure, specification sheets and associated drawings for the air start valves and air start distributor including drawings for their air supply. Georgia Power has not located any documents responsive to this request. Georgia Power will continue to search for such documents and provide them to the parties if any responsive documents are located.

F. Request No. 16

Intervenor requested, as limited by the Board, all documents provided to and reviewed by or relied on by Dr. Hill and Mr. Ward, with respect to matters directly or indirectly related to the scope of their testimony. With the exception of certain documents which were identified as already being in Intervenor's possession (i.e., Mosbaugh's Pre-filed Testimony and Demonstrative Aids, NUREG-1410, and Board Notification 95-08) and certain standard engineering reference materials (i.e., ASME Steam Tables, a thermodynamics handbook providing critical velocity through an orifice, and a handbook indicating standard tube wall thicknesses), Georgia Power has provided to Intervenor all documents relied upon by Dr. Hill and Mr. Ward in preparing their testimony before they testified on September 19, 1995.

G. Discretionary Board Request No. 2

The Board granted Intervenor's request for a copy of the complete fax transmission of which a portion was marked as Intervenor's Exhibit II-215, subject to possible claims of privilege. Georgia Power is unable to locate any pages that were part of the August 5, 1994 telefax transmission other than Briney Exhibit G (GPC Ex. II-159). In any event, Georgia

Power objects to this request because the remaining pages of the telefax transmission are protected from disclosure by the attorney-client privilege and attorney work-product doctrine.

The attorney-client privilege applies to communications made by corporate client-employees to the client's attorney as part of counsel's efforts to ascertain facts necessary to advise and represent the corporate client. The privilege applies in the corporate client setting when (1) the information is necessary to supply the basis for legal advice to the corporation, (2) the information was not available from "control group" management, (3) the communications concerned matters within the scope of the employee's duties, (4) the employee was aware he was providing information in order for the corporation to obtain legal advice, and (5) the communications were considered confidential when made and kept confidential. In this case, information was gathered at the request of the attorney to provide the corporate client with legal advice and representation in this proceeding. The employee was tasked by his management to assist the attorney in gathering this information. The employee was aware of the purpose for which he was gathering this information and the remaining pages of the telefax transmission have been kept confidential. Thus, the telefax transmission is a privileged attorney-client communication.

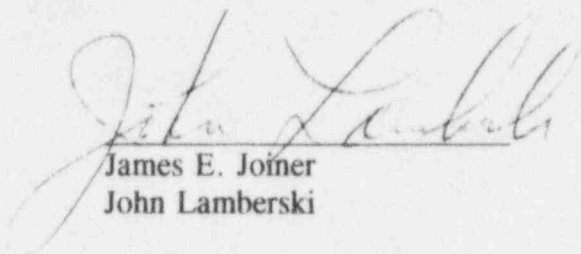
The work-product doctrine is codified in the NRC's Rules of Practice at 10 C.F.R. § 2.740(b)(2). In essence, a party may obtain discovery of documents otherwise discoverable and prepared in anticipation of a hearing from another party's attorney only upon a showing of substantial need for the documents and an inability to obtain the substantial equivalent by other means. The documents requested are materials collected and transmitted by a client-employee at the specific request of the company's attorney in the course of representing the

client in this proceeding. The document compilation itself reveals the mental impressions, conclusions, opinions, or legal theories of the attorney in that it shows what the attorney considered important for representing the client during the proceeding. Intervenor has made neither any showing regarding need nor any representation regarding undue hardship in obtaining the substantial equivalent of this request.

H. Discretionary Board Request No. 4

Intervenor requested Alnor dew point instrument VP-2466 documentation created between 1989 and the present including travel sheets, calibration certification documents and vendor communications. Georgia Power is producing all documents it has identified which are responsive to this request.

Dated: September 26, 1995



James E. Joiner
John Lamberski

TROUTMAN SANDERS
Suite 5200
600 Peachtree Street, N.E.
Atlanta, GA 30308-2216
(404) 885-3360

Ernest L. Blake
David R. Lewis

SHAW, PITTMAN, POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20337
(202) 663-8084

Counsel for Georgia Power Company

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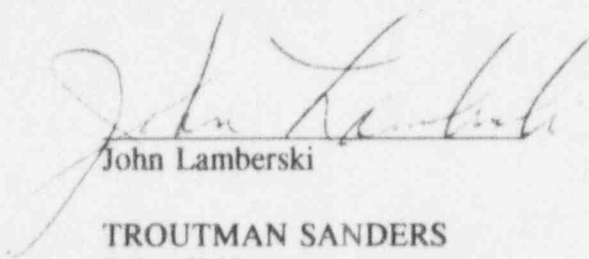
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CERTIFICATE OF SERVICE

I hereby certify that copies of Georgia Power Company's Response To Intervenor's Additional Discovery Request Dated September 5, 1995, dated September 26, 1995 were served by hand-delivery upon the persons denoted by an asterisk on the attached service list; or, otherwise, by first class mail this 26th day of September, 1995.


John Lamberski

TROUTMAN SANDERS
Suite 5200
600 Peachtree Street, N.E.
Atlanta, GA 30308-2216

(404) 885-3360

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NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 2)

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* 50-425-OIA-3
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* ASLBP No. 93-671-01-OLA-3

SERVICE LIST

Administrative Judge
Peter B. Bloch, Chairman*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Administrative Judge
James H. Carpenter*
Atomic Safety and Licensing
Board
933 Green Point Drive
Oyster Point
Sunset Beach, NC 28468

Administrative Judge
Thomas D. Murphy*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Michael D. Kohn, Esq.*
Kohn, Kohn & Colapinto, P.C.
517 Florida Avenue, N.W.
Washington, D.C. 20001

Office of Commission Appellate
Adjudication *
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Stewart D. Ebnetter
Regional Administrator
USNRC, Region II
101 Marietta Street, NW
Suite 2900
Atlanta, Georgia 30303

Office of the Secretary*
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555
ATTN: Docketing and
Services Branch

Charles Barth, Esq.*
Mitzi Young, Esq.*
Office of General Counsel
One White Flint North
Stop 15B18
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Director,
Environmental Protection
Division
Department of Natural
Resources
205 Butler Street, S.E.
Suite 1252
Atlanta, Georgia 30334