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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, <u>et al.</u>	)	Docket Nos. 50-424
	)	50-425
(Vogle Electric Generating Plant,	)	(OL)
Units 1 and 2)	)	

APPLICANTS' ANSWER  
OPPOSING JOINT INTERVENORS' MOTION TO COMPEL

I. Introduction

On October 25, 1984, Campaign for a Prosperous Georgia and Georgians Against Nuclear Energy (hereinafter Joint Intervenors) filed their First Set of Interrogatories and Requests to Produce.<sup>1/</sup> Applicants filed a one hundred and six page response on November 29, 1984 and produced about 50,000 pages of documents.<sup>2/</sup> While Applicants provided answers to most of

<sup>1/</sup> Campaign for a Prosperous Georgia/Georgians Against Nuclear Energy First Set of Interrogatories and Request to Produce (Oct. 25, 1984) (hereinafter referred to as Joint Intervenors' First Set of Interrogatories).

<sup>2/</sup> Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984).

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Joint Intervenors' discovery requests, Applicants objected to some requests on such grounds as relevancy, vagueness, and undue burden or expense.

On January 9, 1985, Joint Intervenors filed their Third Set of Interrogatories and Requests to Produce<sup>3/</sup> -- which were follow-up discovery requests relating to Joint Intervenors' First Set of Interrogatories. In addition to submitting additional interrogatories and document requests, Joint Intervenors took issue with a number of Applicants' prior objections and asked that a number of requests to which Applicants had objected be answered. Applicants provided an eighty page response on February 13, 1985 and produced additional documents.<sup>4/</sup> Applicants did not, however, retract prior objections.

On March 1, 1985, Joint Intervenors late filed "Intervenors Campaign for a Prosperous Georgia/Georgians Against Nuclear Energy Motion to Compel Applicants' Responses to Interrogatories and Requests to Produce Documents" (hereinafter Motion to Compel).<sup>5/</sup> Joint Intervenors ask the Board to compel

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<sup>3/</sup> Campaign for a Prosperous Georgia/Georgians Against Nuclear Energy Third Set of Interrogatories and Request to Produce (Jan. 9, 1985) (hereinafter referred to as Joint Intervenors' Third Set of Interrogatories)

<sup>4/</sup> Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985).

<sup>5/</sup> 10 C.F.R. § 2.740(f) requires that a motion to compel be filed "within ten (10) days after the date of the response or

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response to "Intervenors' First and Second Set of Interrogatories and Requests to Produce." Motion to Compel at 1. The discovery requests at issue, however, are from Joint Intervenors' Third Set of Interrogatories, although many refer back to Joint Intervenors' First Set of Interrogatories. For the reasons stated below, Applicants oppose this motion.

## II. Legal Standards and the Need for a Protective Order

In a licensing proceeding, the Commission's Rules of Practices provide that discovery "shall relate only to those matters in controversy which have been identified by the . . . presiding officer in the prehearing order. . . ." 10 C.F.R. § 2.740(b)(1). In addition, in ruling on a motion to compel, the presiding officer may protect a party from annoyance, embarrassment, oppression, or undue burden or expense. 10 C.F.R. §§ 2.740(c), 2.740(f)(2).

In their Motion to Compel, Joint Intervenors quote 10 C.F.R. § 2.740(f)(1), which states: "Failure to answer or respond shall not be excused on the ground that the discovery

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(Continued)

after failure of a party to respond. . . ." "Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents" was served by mail on February 13, 1985. Joint Intervenors' Motion to Compel, filed on March 1, 1985, is therefore untimely.

sought is objectionable unless the person or party failing to answer or respond has applied for a protective order pursuant to paragraph (c) of this section." Joint Intervenors argue that Applicants have failed to make application for such order. Motion to Compel at 1.

The quoted language from 10 C.F.R. § 2.740(f)(1), however, is not applicable, because Applicants did not fail to answer or respond to the discovery requests at issue. Applicants responded to these requests by written objection.<sup>6/</sup> In such case, a motion for protective order is unnecessary. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-82-82, 16 N.R.C. 1144, 1152 (1982). See also Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 322-23 (1980) (stating that objections "may" be accompanied by a motion for protective order).

It should be noted that Joint Intervenors themselves do not subscribe to the practice of filing a motion for protective order at the time they object to an interrogatory. See, e.g., CPG/GANE's Response to Applicants' First Set of Interrogatories and Request for Production of Documents (Dec. 5, 1984). Nor is

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<sup>6/</sup> Fed. R. Civ. P. 37(d), from which 10 C.F.R. § 2.740(f)(1) is derived, indicates that it is the failure "to serve answers, or objections to interrogatories" that will not be excused on the ground the discovery is objectionable unless protective order has been sought.

such a practice desirable, since it would require the Board to rule on a matter that otherwise might not be pursued.

### III. Applicants' Objections

#### A. Joint Intervenors' General Interrogatory A-2

General Interrogatory A-2 of Joint Intervenors' Third Set of Interrogatories asked:

Please identify any Open Items and identify (by name, business address, occupation and employer) all individuals working on the resolution of the Open Items and designate the Item or the portion thereof the individual is working on. Please also provide any documents related to the Open Items.

Applicants responded:

RESPONSE: Applicants object to interrogatory A-2 on the following grounds:

(1) interrogatory A-2 is vague, confusing, and not susceptible to a proper response by Applicants since Intervenors do not identify what they are referring to by their use of the term "Open Items";

(2) interrogatory A-2 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence;

(3) interrogatory A-2 requests information outside the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a; and

(4) interrogatory A-2 is overly broad, unduly burdensome, and oppressive.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production (Feb. 13, 1985) at 7-8.

Joint Intervenors now assert, "'Open Items', of course refers to the NRC Staff's Open Items, a commonly used term, which is hardly vague." Motion to Compel at 1-2. Despite Joint Intervenors' assertion, Applicants are still uncertain as to what Joint Intervenors are referring, since the NRC uses the term "open item" in many contexts. Applicants' best guess, however, is that Joint Intervenors are referring to those items that the NRC Staff has yet to resolve in its review of Applicants' license application. The Staff lists such items in its first Safety Evaluation Report and closes out the items in subsequent supplements. Although the Staff has not yet issued its Safety Evaluation Report, its Draft SER (which Joint Intervenors have) does contain a list of open items. DSER, Table 1.3. Applicants do not know how current or accurate that list is.

Joint Intervenors' interrogatory A-2, however, does not simply ask for the list of items, but seeks information on all individuals working on resolution of items and all documents related to the items. Joint Intervenors assert that "any" of these items "might" relate to contentions and adds that the request is not overly broad, since "the list of Open Items is presumably not unduly lengthy." Motion to Compel at 2.

On the contrary, 108 items and many more subitems are listed in Table 1.3 of the DSER. Few, if any, of these open

items are even colorably related to the contentions admitted by the Board in this proceeding. To identify every individual who has worked on and to produce all documents related to the many issues totally unrelated to any contention in this proceeding is patently unreasonable. These discovery requests are particularly oppressive since Applicants have already identified individuals who are provided information used in responding to Joint Intervenor's interrogatories about specific contentions and have already produced documents that relate to these contentions. Joint Intervenors' General Interrogatory A-2 is vague, is unrelated to any specific contention, is overbroad, and is extremely onerous. Accordingly, Applicants submit that their objections should be sustained.

B. Joint Intervenors' General Interrogatory A-3

General Interrogatory A-3 of Joint Intervenors' Third Set of Interrogatories asked:

VEGP Response to IQA-1 identified almost seven pages of names, addresses, and organizations of individuals providing technical information to VEGP and their responses to Intervenor questions, but the VEGP responses did not include the financial relationship among themselves, the organizations they represent and VEGP. Nor did the VEGP response to question A-1 identify the specific remuneration between VEGP and these individuals. The Rosenthal experimenter expectancy effect is a well documented research bias displayed unwittingly by an experimenter that can skew or lead technical statements to predictable conclusions. As F. W. Bessel, a German astronomer, first proved in 1815, individual

differences even among most experienced astronomers can lead to observational differences. Rosenthal experimenter expectancy effect builds on top of individual differences by skewing an experiment along lines of bias or prejudice. The VEGP technical consultants should assist in measuring the pronouncement of this effect on VEGP technical responses. Please provide an estimate of this effect.

Applicants responded:

RESPONSE: Applicants object to interrogatory A-3 on the following grounds:

(1) interrogatory A-3 is vague, confusing, and not susceptible to a proper response by Applicants;

(2) interrogatory A-3 asks for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence; and

(3) interrogatory A-3 requests information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Subject to those objections, Applicants state in further response to interrogatory A-3 that neither they nor the contractors who provided information used by Applicants in responding to Intervenors' First Set of Interrogatories and Requests to Produce have estimated or measured the "pronouncement" of the "Rosenthal experimenter expectancy effect" on those prior responses.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 8-9.



Joint Intervenors now assert that Applicants "refuse to describe the financial ties" of the individuals identified. Motion to Compel at 2. However, Interrogatory A-3 of Joint Intervenors' Third Set of Interrogatories did not ask for a description of financial ties.<sup>7/</sup> Interrogatory A-3 asked only for an estimate of the Rosenthal experimenter expectancy effect.

Applicants do not have an estimate of this effect. Applicants so responded, and such response fulfills Applicants' discovery obligation. Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), LBP-80-18, 11 N.R.C. 906, 911 (1980); Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 334 (1980). Furthermore, Applicants are not familiar with whatever calculations or analysis are necessary to provide such an estimate, and find no guidance in Joint Intervenors' vague interrogatory. Moreover, Applicants are not required to create information at the behest of Joint Intervenors -- to hire consultants to perform a compilation and evaluation of data beyond that required by statutory or regulatory provision. Boston Edison Co. (Pilgrim Nuclear Generating Station, Unit 2), LBP-75-42, 2 N.R.C. 159, 165 (1975). See 10 C.F.R.

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<sup>7/</sup> Interrogatory A-1 of Joint Intervenors' First Set of Interrogatories also did not request financial information regarding identified individuals.

§ 2.740(c)(7) (providing for protective order against studies or evaluations). See also Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 & 2), ALAB-613, 12 N.R.C. 317, 334 (1980) (extensive independent research is not required); Houston Lighting & Power Co. (South Texas Project, Units 1 and 2), LBP-80-11, 11 N.R.C. 477, 478 (1980). Interrogatory A-3 is not susceptible to a proper response. Accordingly, Applicants submit that their objections should be sustained.

C. Joint Intervenors' Interrogatory B-6(p)

Interrogatory B-6(p) of Joint Intervenors' Third Set of Interrogatories asked:

In "Applicants' First Response" the Applicants made available certain documents and numbered the pages therein. The following questions concerning TDI generators relate to these documents.

(p) Page 1414811, Applicants state, "Suppliers were evaluated prior to award to assure that their quality assurance program and facilities complied with the procurement document requirements. . . based on surveys, past performances, audits, and the review and approval of the suppliers' documented quality programs. Would the Applicants again choose TDI if ordering new emergency diesel generator for a new nuclear power plant today? If not, why not? If so, why? Provide the bases for the response.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-6(p) on the following grounds:

(1) interrogatory B-6(p) asks a hypothetical question to which Applicants could respond only through abstract speculation, and

(2) interrogatory B-6(p) seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 25.

Joint Intervenors argue that the interrogatory is relevant (Motion to Compel at 3), but they ignore Applicants first objection -- that the interrogatory calls for abstract speculation. Applicants have not formulated an opinion on the subject of this interrogatory, and should not be required to do so.<sup>8/</sup> While an interrogatory is not necessarily objectionable because it calls for opinion (see Fed. R. Civ. P. 33(b)), as a general rule such interrogatories are allowed only when they serve some substantial purpose -- when they relate to an essential element of a claim or defense. See Comment, Civil Procedure -- Opinion

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<sup>8/</sup> As a practical matter, Applicants could not properly formulate the opinion Joint Intervenors request without performing a market analysis to evaluate the relative merits of other available generators.

Interrogatories After the 1970 Amendment to Federal Rule 33(b),  
53 N.C.L. Rev. 695, 705 (1975). In this instance, what emer-  
gency diesel generator Applicants would choose in today's mar-  
ket is simply not an essential element of Contention 14 (which  
alleges that there is no reasonable assurance that the TDI die-  
sel generators installed at Plant Vogtle will provide a reli-  
able source of onsite power).

Interrogatory B-6(p) is also irrelevant despite Joint In-  
tervenors' contrary claim. Joint Intervenor's argue that a con-  
stant re-evaluation is required to assure that the generators  
are able to operate if and when needed. Motion to Compel at 3.  
The technical adequacy of the TDI diesel generators, however,  
is independent of the cost, availability, design, and perfor-  
mance of other suppliers' generators. Accordingly, Applicants'  
objections should be sustained.

D. Joint Intervenor's Interrogatory B-6(r)

Interrogatory B-6(r) of Joint Intervenor's Third Set of  
Interrogatories asked:

Page 149258, TDI states, "Georgia Power  
Company extension of cooperation to  
Transamerica Delaval, Inc. over the last  
three months has been one of hardship. . ."  
What is the Applicants' response to this  
accusation? Have relationships between TDI  
and the Applicants improved since that  
time?

Applicants responded:

RESPONSE: Document number 149258 is the second page of a three page letter from Mr. Richard Cooke of TDI to Mr. B. E. Wilson of Georgia Power Company dated April 4, 1984. Georgia Power Company responded to that letter by letter dated April 9, 1984 from Mr. B. E. Wilson to Mr. Cooke, which document has been produced as document number 1411245. At all times during its relationship with TDI, Georgia Power Company has sought to foster a mutual cooperative effort to insure that the diesel generators supplied by TDI to VEGP are adequate to perform their intended function.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 27-28.

Joint Intervenors assert that Applicants have not answered the second question in the interrogatories -- whether the relationship has improved. Applicants' answer to this second question is yes.

E. Joint Intervenors' Interrogatory B-6(s)

Interrogatory B-6(s) of Joint Intervenors' Third Set of Interrogatories asked:

Page 1410976, the Applicants state, "Should we not hear from Transamerica by this date, we will assume that there exist in your organization a lack of dedication to ensure a quality product per the specification and the contract." Do the Applicants believe that TDI is dedicated to ensuring a quality product per the specifications, contracts and regulatory requirements? Provide the bases for the response.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-6(s) on the following grounds:

(1) interrogatory B-6(s) asks the Applicants to speculate concerning the subjective intent of TDI, and

(2) interrogatory B-6(s) requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 28.

Joint Intervenors in effect argue that because Applicants may have occasion to speculate during the course of Applicants' business, Applicants should also be required to speculate in this instance. This argument, however, does not address the propriety of the interrogatory as a matter of law. An interrogatory calling for opinion should only be allowed if it serves some substantial purpose -- i.e. if it relates to an essential element of a claim or defense. The speculation for which Interrogatory B-6(s) calls would not serve such a purpose. It would not establish whether or not TDI diesel generators are reliable or whether or not they are prone to common mode failures -- the subject of Contention 14. In the same vein, Interrogatory B-6(s) is not relevant. Applicants' speculation regarding TDI's intent would not tend to prove or

disprove Contention 14. For these reasons, Applicants submit that their objections should be sustained. Applicants further remark that Joint Intervenors, having been provided all correspondence between Applicants and TDI, are equally capable of guessing what is TDI's intent.

F. Joint Intervenors' Interrogatory B-19

Interrogatory B-19 of Joint Intervenors' Third Set of Interrogatories asked:

List all wells used to map the marl aquiclude under VEGP. Provide marl data from each. Describe test techniques and whether the marl material brought to the surface was through corings or cuttings. Discuss well 42E. Discuss uncertainty ranges.

Applicants responded:

RESPONSE: The extent of the marl aquiclude was determined primarily by exploratory drill holes, not wells. Volumes II and III of the VEGP Preliminary Safety Analysis Report (PSAR) contain geologic logs describing drilling and sampling methods and lithology for those drill holes. The Applicants' response to interrogatory B-2 of the Intervenors' First Set of Interrogatories describes the testing techniques and data sources used.

Well 42E is discussed in the Applicants' response to interrogatory B-16 of the Intervenors' Third Set of Interrogatories.

Applicants object to that portion of interrogatory B-19 that requests them to "discuss uncertainty ranges" on the ground that it is vague, confusing, not susceptible to a proper response.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 44.

Joint Intervenors argue that their request for a discussion of uncertainty ranges is not vague. Motion to Compel at 5. Neither the interrogatory nor the motion to compel, however, indicates what it is that Joint Intervenors want evaluated for uncertainty (e.g. the aquiclude mapping, the marl data, marl material test techniques, well 42E?). They do not specify any particular parameter, measurement, or data they want discussed. Similarly, Joint Intervenors do not indicate what they desire by way of discussion (e.g. statistical inferences such as confidence limits, precision in measurement, etc.). The interrogatory is so vague and confusing that it is impossible to determine what Joint Intervenors are requesting.

Joint Intervenors' request for a discussion of uncertainty ranges is also not susceptible to a proper response in that it calls for research and analysis which Applicants have not performed. If Joint Intervenors are seeking ranges of uncertainty for all drill hole and soil data, their interrogatory could not be answered if at all without an evaluation of volumes of data. Applicants are not required to perform such an evaluation in response to discovery requests. Boston Edison Co. (Pilgrim Nuclear Generating Station, Unit 2), LBP-75-42, 2 N.R.C. 159, 165 (1975); 10 C.F.R. § 2.740(c)(7) (providing for a protective



order against studies and evaluations). See also Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 334 (1980) (extensive independent research is not required).

Accordingly, Applicants submit that their objections should be sustained.

G. Joint Intervenors' Interrogatory B-20

Interrogatory B-20 of Joint Intervenors' Third Set of Interrogatories asked:

How many wells mapped the confined aquifer underlying the VEGP (the FSAR lists only MU-1 and 2). Discuss the uncertainty in the VEGP analysis of the confined aquifer mapping.

Applicants responded:

RESPONSE: As discussed in the Applicants response to interrogatory B-1 of the Intervenors First Interrogatories, the presence of the confined aquifer at the site was determined from various published reports concerning the geology and groundwater hydrology of the region. The sequence and depths of the different aquifers and aquicludes beneath the VEGP site were determined by site exploration as discussed in Applicants' response to interrogatories B-1 and B-24 of the Intervenors' First Set of Interrogatories and described in Sections 2.4 and 2.5 of the PSAR and FSAR. The use of observation wells in the confined aquifer to determine the contours of the piezometric surface for that aquifer system is discussed in section 2.4.12.2.3.2 of the FSAR and shown on Figure 2.4.12-6 of the FSAR.

The Applicants object to that portion of interrogatory B-20 that asks them to

"discuss the uncertainty in the VEGP analysis of the confined aquifer mapping" on the ground that it is vague, confusing, and not susceptible to a proper response.

Applicants' Response to Intervenor's Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 44-45.

Joint Intervenor now argue that "any scientific evaluation has a degree of uncertainty associated with it" and that "this uncertainty is relevant to the conclusions based on the evaluation." Motion to Compel at 5. Joint Intervenor do not, however, address Applicants' objection -- that the interrogatory is vague. Applicants still do not know what Joint Intervenor mean by the "VEGP analysis of the confined aquifer mapping;" Joint Intervenor have provided no explanation. Furthermore, Joint Intervenor have not explained what "a discussion of uncertainty" entails -- e.g. what parameter is to be subjected to error analysis, or what sort of analysis is required. Finally, Joint Intervenor's request is not susceptible to a proper evaluation since it would presumably require Applicants to perform an evaluation of some potentially large mass of unspecified data. Applicants' objections should be sustained. See discussion and citations at pages 16-17 supra.

H. Joint Intervenors' Interrogatory B-24

Interrogatory B-24 of Intervenors' Third Set of Interrogatories asked:

RE: VEGP Response to IQB-2: Provide the laboratory permeability tests conducted on core samples from marl exploration holes; provide core sampling techniques, core sample depths, core sample locations and other pertinent data. Provide field test correlations for the same core sample locations.

The VEGP power block excavation exposed an upper 25 feet of marl with a surface area of about one million square feet exposed, approximately one-third of one percent of the VEGP areal site. Provide the uncertainty ranges in asserting that there are no voids, dissolution cavities, systematic fractures, or joints (exclusive of the multiple penetrations through the marl by confined aquifer observation and production well) that would provide a path for movement of groundwater contamination through the marl. Provide the uncertainty ranges inclusive of marl well penetration.

Discuss the consistently large water level differences in light of the lack of correlation between the active, confined aquifer observation well water levels. Why do the confined aquifer water levels vary and what is the source of variability?

Applicants responded:

RESPONSE: The laboratory permeability tests referred to in the Applicants' response to interrogatory B-2 of the Intervenors' First Set of Interrogatories were conducted on core samples of the sands above the marl. No laboratory tests were conducted on core samples from the marl. The exploration core drilling was conducted according to the specifications outlined in the contract with the drilling contractor, which follow the ASTM D 2113 standard method procedures. The geologic logs of drill holes contained

in the PSAR and FSAR show the information requested concerning sample depths and locations.

Applicants object to the second paragraph of interrogatory B-24 to the extent that it asks the Applicants to "provide the uncertainty ranges" on the ground that it is vague, confusing, and not susceptible to a proper response. Subject to that objection, Applicants state that the effectiveness of the marl as an aquiclude has been demonstrated to a very high degree of confidence by a variety of methods, as discussed in the Applicants' response to interrogatory B-2 of the Intervenor's First Set of Interrogatories. The marl has been studied by means of packer permeability tests in the field, numerous drill holes, and detailed geologic mapping of the large areas exposed during excavation. These studies did not reveal geologic features that would provide a path for potential contaminants to migrate from the water table aquifer to the deeper confined aquifers. This lack of structures in the marl that would provide a path for movement of ground water contamination is verified by the consistent difference in water levels in the unconfined and confined aquifers as shown in Figures 2.4.12-6 and 2.4.12-7 of the FSAR.

Water levels in observation wells open to the confined aquifer will vary in response to changes in recharge and discharge rates. Other factors such as pumping and barometric pressure also play a part.

Applicants' Response to Intervenor's Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 48-50.

Joint Intervenor's again argue that "any scientific evaluation has a degree of uncertainty associated with it" and that

"the uncertainty is completely relevant to the conclusions based on the evaluation." Motion to Compel at 5. Again, Joint Intervenors do not address Applicants' objection -- that the portion of the interrogatory asking for "uncertainty ranges" supposedly associated with certain assertions is vague. Joint Intervenors do not specify what scientific evaluation is at issue, what parameter is to be subjected to error analysis, or what sort of analysis is requested. Joint Intervenors also do not address Applicants' objection that the portion of the interrogatory asking for "uncertainty ranges" is not susceptible to a proper response. Even if Applicants had been able to determine what analysis Joint Intervenors sought, Applicants would not have been required to perform further evaluations or studies. See discussion and citations at pages 16-17 supra. Applicants objections should be sustained.

I. Joint Intervenors' Interrogatory B-25

Interrogatory B-6 of Joint Intervenors' First Set of Interrogatories asked:

Please list all ground water contamination discovered at Plant Hatch and all studies of the tritium contamination of ground water at Plant Hatch.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-6 on the following grounds:

(1) interrogatory B-6 seeks information that is not relevant to the subject matter of this proceeding and that is not

reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-6 requests information outside the scope of those matters identified as being in controversy in this proceeding by the Atomic Safety Licensing Board ("Board") in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 19.

Interrogatory B-25 of Joint Intervenors' Third Set of Interrogatories then asked:

RE: VEGP Response to IQB-6: VEGP has made many technical statements and drawn numerous technical conclusions based on esoteric assumptions and recondite theories. The technical conclusions cannot be assailed without validation from two perspectives, either by finding groundwater contamination in the VEGP aquifers in the future or by showing that similar technical conclusions at other facilities have been contraverted. Groundwater contamination at the nearby Savannah River Plant and at Plant Hatch are relevant. Provide the Plant Hatch information requested in IQB-6 but expand it to include all US electric generating power stations and all radionuclide and contaminants released at each site (cf. VEGP Response p. 92 where VEGP uses effluent data from other sites as part of VEGP's own technical statement).

Applicants responded:

RESPONSE: Applicants object to interrogatory B-25 on the following grounds:

(1) interrogatory B-25 seeks information that is not relevant to the subject matter of this proceeding and that is not

reasonably calculated to lead to the discovery of admissible evidence,

(2) interrogatory B-25 requests information outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, and

(3) interrogatory B-25 is overly broad, unduly burdensome, and oppressive, and providing the requested information would necessitate an unreasonable and costly expenditure of time, effort, and research by Applicants.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 50-51.

Joint Intervenors now argue that groundwater contamination at the Savannah River Plant, at Plant Hatch, and at other facilities (the interrogatory requests information on all U.S. electric generating power stations) is relevant to evaluating Applicants' conclusions concerning groundwater beneath Plant Vogtle. Motion to Compel at 5-6.<sup>9/</sup> Neither Interrogatory B-6 nor Interrogatory B-25, however, asks for information on the

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<sup>9/</sup> Joint Intervenors add that "VECP uses effluent data from other sites as part of VECP's own technical statement." Motion to Compel at 6. Joint Intervenors cite Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production (Nov. 29, 1984) at 92, which addresses cooling tower drift -- not effluent. With respect to cooling tower drift, Applicants used drift deposition rates predicted for five similar plants to estimate a range of drift rates that could be expected at Plant Vogtle.

Savannah River Plant, which is not an "electric generating power station." With respect to Plant Hatch, Joint Intervenors make no attempt to show that experiences at that facilities are relevant to Plant Vogtle. The Vogtle and Hatch facilities are not similar. Plant Hatch is a BWR, and the geology and hydrology of the region in which that facility is located are different from the geology and hydrology at Plant Vogtle.

Moreover, the interrogatory makes no attempt to limit its request to any facility similar (either technically or geologically) to Vogtle, but instead asks for information on all radionuclides and contaminants released at each U.S. electric generating power facility. This request is overly broad, extremely burdensome, and of no value to Joint Intervenors' pursuit of Contention 7.

Accordingly, Applicants submit that their objections should be sustained.

J. Joint Intervenors' Interrogatory B-26

Interrogatory B-26 of Joint Intervenors' Third Set of Interrogatories asked:

RE: VEGP Response to IQB-7: What financial assurances exist that VEGP will be able to fund not only the post-operational environmental radiological and chemical monitoring programs associated with decommissioning the VEGP plant but also the cleanup of contaminated soil and groundwater at VEGP. Since the predominant well pattern in the area surrounding VEGP indicates primarily groundwater table well users (FSAR), what steps will VEGP take to



financially and technically return the 3000 plus acre VEGP facility back to public domain free of radionuclide and hazardous waste contamination in water table aquifer?

Applicants responded:

RESPONSE: Applicants object to interrogatory B-26 on the following grounds:

(1) interrogatory B-26 asks for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-26 requests information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit proposed Contention 3 submitted by Campaign for a Prosperous Georgia; and

(3) interrogatory B-26 requests information concerning the financial qualifications of the Applicants in contravention of 10 C.F.R. § 50.33(f) and 10 C.F.R. § 50.40(b), which have eliminated as an issue in an operating license application proceeding the financial qualifications of an electric utility applicant.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 51-52.

Joint Intervenors argue that the information requested relates to Contention 7. The argument is frivolous. Joint Intervenors' assertion that financial inquiry relates to the protection of the public health and safety does not exclude the

inquiry from the ambit of the financial qualifications rule. That rule presumes that an applicant is financially qualified to conduct its activities without endangering the public health and safety. Furthermore, the fact that Interrogatory B-26 inquires into technical aspects of decommissioning in addition to financial aspects does not cure its objectionability. Technical aspects of decommissioning have nothing to do with the gravamen of Contention 7 -- whether an accidental spill could contaminate the aquifers beneath Plant Vogtle. See LBP-84-35, 20 N.R.C. 887, 900 (1984). Interrogatory B-26 is clearly overbroad, irrelevant, beyond the scope of this proceeding and the jurisdiction of the Board, and in contravention of the financial qualifications rule.

K. Joint Intervenors' Interrogatory B-27

Interrogatory B-18 of Joint Intervenors' First Set of Interrogatories asked:

Describe all tests, studies, analyses or surveys

\* \* \*

(c) that consider the cumulative effects of the operation of the Savannah River Plant and Plant Vogtle on the ground water and aquifers.

Applicants responded:

RESPONSE: . . .

(c) Applicants object to part (c) of interrogatory B-18 on the following grounds:

(1) interrogatory B-18(c) asks for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-18(c) seeks information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 30-33.

Interrogatory B-27 of Joint Intervenors' Third Set of Interrogatories then asked:

RE: VEGP Response to IOB-18(c): The Savannah River Plant emissions of NOx, SOx, and TSP have been found to be within 20 to 80 percent of acceptable SRP boundary release limits measured at 30 to 40 kilometers from plant center southwest of the VEGP site. VEGP on the other hand is only fifteen km from SRP plant center, a likely location for SRP airborne hazardous and radionuclide depositions. Also, strontium-90 released from SRP in concentrations already exceeding EPA drinking water standard have been found in milk at Waynesboro, Georgia, 45 km from the SRP plant center. VEGP is between Waynesboro and SRP. Therefore cumulative effects are relevant. Please respond to IOB-18(c).

Applicants responded:

RESPONSE: Applicants object to interrogatory B-27 on the following grounds:

(1) interrogatory B-27 asks for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-27 seeks information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board rejected proposed Contention 2 submitted by Georgians Against Nuclear Energy, which dealt with the cumulative effects of radioactive releases from Plant Vogtle and the Savannah River Plant.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 52-53.

Joint Intervenors argue that Interrogatory B-18(c) is relevant to possible groundwater contamination. Motion to Compel at 6. Interrogatory B-18(c), however, addresses cumulative environmental effects -- a subject specifically excluded from this proceeding by the Licensing Board in its Prehearing Conference Order. The Board found no basis to consider cumulative effects. LBP-84-55, 20 N.R.C. 887, 913-14 (1984). Joint Intervenors should not be permitted to ignore the Board's rulings. Applicants submit that their objections should be sustained.

L. Joint Intervenors' Interrogatory B-29

Interrogatory B-29 of Joint Intervenors' Third Set of Interrogatories asked:

RE: VEGP Response to IQB-27, p. 39: VEGP states that the marl is an aquiclude and that the Cretaceous Aquifer is confined and isolated from VEGP releases. The Savannah River Plant made similar assurances in 1976 (C.H. Ice). What range of uncertainty exists with this VEGP claim? VEGP assumes a marl is nonexistent under the Savannah River and that contaminants migrating in the water table aquifer would not penetrate the Tuscaloosa Aquifer underlying the Savannah River because of higher head differentials between the Tuscaloosa and the Savannah River. SRP has made similar assurances in the past but contamination has been found in Tuscaloosa wells. What range of uncertainty exists with the VEGP claim that the Tuscaloosa will be open under the Savannah River alongside VEGP but that downward contamination flow will be prevented.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-29 on the ground that it is vague, confusing, and not susceptible to a proper response since Applicants do not know what Intervenors mean by "range of uncertainty." Also, the head differentials between the Cretaceous (Tuscaloosa) aquifer and the Savannah River have no connection with contamination found in wells at the SRP.

Subject to that objection, the effectiveness of the Blue Bluff marl as a barrier to groundwater movement has been investigated through several avenues of study as described in the Applicants' response to interrogatory B-2 of the Intervenors First Set of Interrogatories. The extent of those studies and the consistency in the results obtained provide a sound basis for concluding that the marl is effectively

impermeable and will act as a barrier to groundwater movement.

A reversal of the present direction of the potential hydraulic gradient between the Cretaceous aquifer and the Savannah River would require either a very large reduction in the available recharge to the aquifer, or a very large increase in extractions from the aquifer in the vicinity of the VEGP. Neither of these possibilities is credible.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 54-55.

Joint Intervenors once more argue that the range of uncertainty of claims is relevant. Motion to Compel at 6. Once more, Joint Intervenors ignore Applicants' objections -- that the portion of the interrogatory asking for "range of uncertainty" is vague and not susceptible to a proper response. Applicants do not understand what Joint Intervenors mean by "range of uncertainty" -- particularly with respect to a simple statement whose basis has been explained. If Joint Intervenors are in fact requesting that some further study or evaluation be conducted to bolster or denigrate the statement, Applicants submit that the request is improper. Applicants are not required to perform further studies or evaluations at Joint Intervenors' request or to prepare their case. Accordingly, Applicants' objection should be sustained.

M. Joint Intervenors' Interrogatory B-40

In Joint Intervenors' First Set of Interrogatories, and under a subheading entitled "Interrogatories Relating to CPG/GANE Contention 10.2" (which contention the Licensing Board had rejected) Joint Intervenors asked the following:

- H-1. What are the detailed conditions used in synergistic testing of cables?
- H-2. Are these conditions considered to simulate normal or accident parameters?
- H-3. Explain why these conditions were chosen and cite all studies that were considered (internal and external).
- H-4. In this analysis of synergistic effects, have all variables that normally affect the aging of materials, e.g. heat, humidity, light, radiation (of all expected types), atmospheric composition, etc., been considered? Cite all relevant studies and justify why any variables were either not studied or eliminated from consideration.

With respect to each, Applicants responded:

RESPONSE: Applicants object to interrogatory H-1 [H-2, H-3, and H-4] on the following grounds:

(1) interrogatory H-1 [H-2, H-3, and H-4] seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory H-1 [H-2, H-3, and H-4] requests information outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10

C.F.R. 2.715a, since the Board did not admit subcontention 10.2 for litigation in this proceeding.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 57-60.

Interrogatory B-40 of Joint Intervenors' Third Set of Interrogatories then asked:

To IQ H-1, H-2, H-3 and H-4, Applicants argue that the questions are irrelevant and outside the scope of this proceeding. To the extent that multiconductor configurations are affected in different ways than single conductor configurations (subcontention 10.3), this is relevant and within the scope of this proceeding. Please provide the response to IQ H-1, H-2, H-3 and H-4.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-40 on the following grounds:

(1) interrogatory B-40 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-40 requests information outside the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit subcontention 10.2, which concerned synergism, for litigation in this proceeding.

In further response to interrogatory B-40, the Applicants refer the Intervenors to their responses to interrogatories H-1, H-2, H-3, and H-4.



Applicants' Response to Intervenor's Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 65-66.

Joint Intervenor's now argue to the Board that these interrogatories are within the scope of Contention 10.3 and should be answered fully. Motion to Compel at 7. This argument is again frivolous. The interrogatories here at issue were not propounded as relevant to multiconductor effects, as evidenced by the very heading under which the contentions were listed; and they are not relevant to Contention 10.3. Contention 10.3 addresses environmental qualifications of cable in multiconductor configurations, is limited to certain polymers in cable insulation, and is based on an observed effect that has nothing to do with synergism. Contention 10.3 cannot reasonably be interpreted as encompassing an issue that the Board ruled to be without basis and inadmissible. Joint Intervenor's are simply and improperly attempting to circumvent the Board's ruling. Applicants' objections should be sustained.

N. Joint Intervenor's Interrogatory B-41

Also under the heading of "Interrogatories Relating to CPG/GANE Contention 10.2" in Joint Intervenor's First Set of Interrogatories, Interrogatory H-5 asked:

Since other equipment besides cable that contain PE or PVC would be expected to be susceptible to synergism, have they all been tested in this program? If not, please list the equipment that has not been

tested and provide an explanation for Applicant's failure to test.

Applicants responded:

RESPONSE: Applicants object to interrogatory H-5 on the following grounds:

(1) interrogatory H-5 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory H-5 requests information outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit subcontention 10.2 for litigation in this proceeding.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 59-60.

Joint Intervenors also included under a heading entitled "Requests to Produce Relating to CPG/GANE Contention 10.2" two document requests designated I-1 and I-2. Document Request I-1 asked:

Provide a list of all components besides cables expected to be susceptible to synergism.

Applicants responded:

RESPONSE: Applicants object to request to produce I-1 on the following grounds:

(1) request to produce I-1 seeks documents that are not relevant to the subject matter of this proceeding and that are not reasonably calculated to lead to the discovery of admissible evidence, and

(2) request to produce I-1 requests documents relating to matters outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit subcontention 10.2 for litigation in this proceeding.

Document Request I-2 asked:

Please provide copies of all tests, test results, studies, memoranda, scientific treatises and other reports or information (whether published or not) which to Applicant's knowledge tend to support, contradict or otherwise relate to any answer to the interrogatories included above.

Applicants responded:

RESPONSE: Applicants object to request to produce I-2 on the following grounds:

(1) request to produce I-2 seeks documents that are not relevant to the subject matter of this proceeding and that are not reasonably calculated to lead to the discovery of admissible evidence.

(2) request to produce I-2 requests documents relating to matters outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit subcontention 10.2 for litigation in this proceeding.

(3) request to produce I-2 is overly broad, unduly burdensome, and oppressive, and

(4) Applicants cannot properly respond to request to produce I-2 because the description of the category of documents sought is too vague and is susceptible to varying interpretations.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 60-62.

Joint Intervenors again pursued these issues in their Third Set of Interrogatories. Interrogatory B-41 of Joint Intervenors' Third Set of Interrogatories asked:

To IQ H-5 Applicants argue that the question is irrelevant and outside the scope of this proceeding. To the extent that some synergism affects multiconductor configuration and solenoid valves, it is relevant and within the scope of this proceeding. Similar relevance holds for IQ I-1 and I-2. Provide responses to IQ H-5, I-1 and I-2.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-41 on the following grounds:

(1) interrogatory B-41 asks for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-41 seeks information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, since the Board did not admit subcontention 10.2, which concerned synergism, for litigation in this proceeding.

In further response to interrogatory B-41, the Applicants refer the Intervenors to their responses to interrogatory H-5 and to requests to produce I-1 and I-2 of the Intervenors' First Set of Interrogatories and Requests to Produce.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 66-67.

Joint Intervenors provide no further argument in support of these discovery requests. See Motion to Compel at 7. The requests clearly address synergism -- as evidenced by the heading under which they were originally submitted; and synergism was an issue specifically rejected by the Licensing Board. Nor is there any merit in Joint Intervenors' claim that these discovery requests are relevant to Contention 10.3 (cable in multiconductor configurations) and 10.5 (solenoid valves). Contention 10.3 addresses qualification of cable only, whereas the discovery requests in question cover all equipment other than cable. Similarly, Contention 10.5 only addresses whether ASCO solenoid valves are environmentally qualified against temperature; such a contention cannot serve as a vehicle to inquire into or litigate synergistic effects in all equipment other than cable. Once again, Joint Intervenors are simply ignoring the Board's ruling rejecting synergism as a contention. Applicants' objections should be sustained.

O. Joint Intervenors Interrogatory B-42

Interrogatory L-1 of Joint Intervenors' First Set of Interrogatories asked:

(a) Under what conditions were solenoid valves tested for environmental qualification, and what results were obtained?

(b) Do these conditions represent normal or accident conditions?

(c) Justify why these conditions and testing results are adequate to insure the safety of the plant (e.g. how long will accident conditions exist and the basis for this assumption).

Applicants responded:

RESPONSE: Applicants object to interrogatory L-1 on the following grounds:

(1) interrogatory L-1 calls for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory L-1 requests information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a. The Intervenors premised subcontention 10.5 upon and the Board admitted that subcontention on the basis of a Franklin Research Center test in which certain solenoid valves manufactured by Automatic Switch Co. ("ASCO") failed to perform after exposure to high temperatures. Interrogatory L-1 does not, however, limit the information sought to ASCO solenoid valves.

Subject to those objections, Applicants respond further to interrogatory L-1 by stating that the Applicants have not at this time developed a maintenance and surveillance program applicable to the ASCO solenoid valves in safety related equipment, although such a program will be established prior to Plant Vogtle becoming operational.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 66-67.

Interrogatory L-2 of Joint Intervenors' First Set of Interrogatories asked:

When environmentally qualified valves are obtained, what type of maintenance and surveillance program will be used to insure that these valves remain qualified throughout the life of the plant?

Applicants responded:

RESPONSE: Applicants object to interrogatory L-2 on the following grounds:

(1) interrogatory L-2 calls for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory L-2 requests information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a. The Intervenors premised subcontention 10.5 upon and the Board admitted that subcontention on the basis of a Franklin Research Center test in which certain solenoid valves manufactured by ASCO failed to perform after exposure to high temperatures. Interrogatory L-2 does not, however, limit the information sought to ASCO solenoid valves.

Subject to those objections, Applicants respond further to interrogatory L-2 by stating that the Applicants have not at this time developed a maintenance and surveillance program applicable to the ASCO solenoid valves in safety related equipment, although such a program will be

established prior to Plant Vogtle becoming operational.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 68-69.

Interrogatory L-3 of Joint Intervenors' First Set of Interrogatories asked:

Has the testing program taken into account the physical orientation of all of the solenoid valves that must be qualified?

Applicants responded:

RESPONSE: Applicants object to interrogatory L-3 on the following grounds:

(1) interrogatory L-3 calls for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory L-3 requests information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a. The Intervenors premised subcontention 10.5 upon and the Board admitted that subcontention on the basis of a Franklin Research Center test in which certain valves manufactured by ASCO failed to perform after exposure to high temperatures. Interrogatory L-3 does not, however, limit the information sought to ASCO solenoid valves.

Subject to those objections, Applicants state in further response to interrogatory L-3 that the ASCO solenoid valves are designed to operate in any configuration. The only interface requirement for qualification is that the solenoid enclosure be sealed.



Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 69-70.

Interrogatory L-4 of Joint Intervenors' First Set of Interrogatories asked:

(a) If physical orientation has been considered, describe the testing program that provided this information.

(b) If physical orientation has not been considered, justify why this important variable has been eliminated.

Applicants responded:

RESPONSE: Applicants object to interrogatory L-4 on the following grounds:

(1) interrogatory L-4 calls for information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory L-4 requests information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a. The Intervenors premised subcontention 10.5 upon and the Board admitted that subcontention on the basis of a Franklin Research Center test in which certain valves manufactured by ASCO failed to perform after exposure to high temperatures. Interrogatory L-4 does not, however, limit the information sought to ASCO solenoid valves.

Subject to those objections, Applicants state in further response to interrogatory L-4 that the ASCO solenoid valves are designed to operate in any configuration. The only interface requirement for

qualification is that the solenoid enclosure be sealed.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 70-71.

Finally, Document Request M-1 of Joint Intervenors' First Set of Interrogatories asked:

Provide a list (model number and location in plant) of all solenoid valves that should be environmentally qualified.

Applicants responded:

RESPONSE: Applicants object to request to produce M-1 on the following grounds:

(1) request to produce M-1 requests documents that are not relevant to the subject matter of this proceeding and that are not reasonably calculated to lead to the discovery of admissible evidence, and

(2) request to produce M-1 calls for documents that are outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a. The Intervenors predicated subcontention 10.5 upon and the Board admitted that subcontention on the basis of a Franklin Research Center test in which certain valves manufactured by ASCO failed to perform after exposure to high temperatures. Request to produce M1, however, requests documents about valves other than just the ASCO solenoid valves that failed in the Franklin Research Center test.

Subject to those objections, Applicants state that they are having prepared a list of all ASCO solenoid valves used in safety related equipment at Plant Vogtle that will identify each such valve by model

number and will list its location in the plant. Once this list has been completed, it will be provided to the Intervenor.

Applicants' Response to Intervenor's First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 71-72.

In Joint Intervenor's Third Set of Interrogatories, Joint Intervenor took issue with Applicants' objections. Interrogatory B-42 of Joint Intervenor's Third Set of Interrogatories asked:

To IQ L-1, Applicants argue that the question is irrelevant and outside the scope of this proceeding except for ASCO solenoid valves. In fact, the ASLB order does not limit this subcontention to ASCO solenoid valves, nor did the intervenors limit the subcontention to ASCO. The contention made by intervenors raises the question of environmental qualification of all solenoid valves, not just ASCO; the ASLB implicitly acknowledges this in its order's reference to "solenoid valves used at Vogtle," not "ASCO solenoid valves used at Vogtle." Please provide the response to IQ L-1. For the same reasons, please provide the response to IQ L-2, L-3, L-4, and M-1 which are follow-ups to L-1.

Applicants responded:

RESPONSE: Applicants refer Intervenor to their responses to interrogatories L-1, L-2, L-3 and L-4 and to request to produce M-1 of the Intervenor's First Set of Interrogatories and Requests to Produce and the objections stated therein.

Applicants' Response to Intervenor's Third Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 67.

Joint Intervenors offer no further argument in support of these discovery requests. See Motion to Compel at 7. Their position is apparently that expressed in Interrogatory B-42 -- that Contention 10.5 is not limited to ASCO solenoid valves.

Joint Intervenors' interpretation of Contention 10.5 is unreasonable. The discussion that accompanied Joint Intervenors' proposed Contention 10 raised questions regarding ASCO solenoid valves only. No basis was provided to challenge the environmental qualification of other valves. See Campaign for a Prosperous Georgia Amendment to Supplement to Petition for Leave to Intervene and Request for Hearing (May 25, 1984) at 21.

In responding to Contention 10, Applicants divided the contention into 11 subcontentions. Applicants described Contention 10.3 as an allegation "that ASCO solenoid valves are not adequately qualified against temperature." Applicants stated they would not object to this allegation. Applicants' Response to GANE and CPG Supplement to Petitions for Leave to Intervene (May 7, 1984) at 68.

During the Prehearing Conference both GANE and CPG agreed to approach Contention 10 on the basis of the 11 subcontentions outlined in Applicants' response. Tr. 78. The Board ultimately admitted that contention which was unopposed, and therefore presumably the allegation that ASCO solenoid valves are not adequately qualified against temperature. LBP-84-35, 20 N.R.C. 887, 905 (1980).

Accordingly, Applicants acted properly in limiting their response to ASCO solenoid valves and objecting to the interrogatories to the extent they questioned the qualification of other valves. Applicants submit that their objections should be sustained.

P. Joint Intervenors' Interrogatory B-43

Interrogatory N-4 of Joint Intervenors' First Set of Interrogatories addressed the Westinghouse Model B Hydrogen Recombiner used at Plant Vogtle and asked:

What is the operating experience with this type of recombinder in other plants?

Applicants responded:

RESPONSE: Applicants object to interrogatory N-4 on the following grounds:

(1) interrogatory N-4 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory N-4 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 76.

Interrogatory N-5 of Joint Intervenors' First Set of Interrogatories asked:

Give a full and complete analysis of how this recombiner (the whole system) will avoid the problems encountered during the accident at Three Mile Island in which the recombiner system could not be used.

Applicants responded:

RESPONSE: Applicants object to interrogatory N-5 on the following grounds:

(1) interrogatory N-5 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory N-5 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 77.

Joint Intervenors then asked, in Interrogatory B-43 of Joint Intervenors' Third Set of Interrogatories:

To IQ N-4, Applicants argue that the question is irrelevant and outside the scope of this proceeding. In fact, operating experience of this type recombiner is fundamentally relevant since this type recombiner is to be used at Vogtle. Question N-5, a follow-up, is similarly relevant. Please provide the responses to IQ N-4 and N-5.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-43 on the following grounds:

(1) interrogatory B-43 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-43 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants also refer the Intervenors to their responses to interrogatories N-4 and N-5 of the Intervenors' First Set of Interrogatories.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 67-68.

Joint Intervenors offer no further argument in support of these interrogatories. See Motion to Compel at 7. If their position is that expressed in Interrogatory B-43, it is no more than a bald claim that the interrogatories are relevant.

In its Prehearing Conference Order, the Board did not admit a contention addressing the operation of the VEGP hydrogen recombiner. Rather, the Board asked two specific questions related to environmental qualification: whether there are transducers that must be qualified and whether the entire prototype recombiner has been qualified as a unit. LBP-84-35, 20 N.R.C. 887, 905-06 (1980).

Operating experience of other recombiners at other plants has no relevance to these questions. Neither are the problems encountered during the accident at Three Mile Island.<sup>10/</sup> Applicants submit that their objections should be sustained.

Q. Joint Intervenors' Interrogatory B-44

Interrogatory N-6 of Joint Intervenors' First Set of Interrogatories asked:

What type of maintenance and surveillance program will be used to insure that the recombiners will remain qualified throughout the life of the plant?

Applicants responded:

RESPONSE: Applicants object to interrogatory N-6 on the following grounds:

(1) interrogatory N-6 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence; and

(2) interrogatory N-6 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

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<sup>10/</sup> Although Joint Intervenors do not specify what problems they mean, Applicants assume they are referring to the fact that the TMI recombiners, which unlike the VECF recombiners were located outside containment, could not be actuated without compromising containment integrity. This problem is inapplicable to Plant Vogtle and has nothing to do with environmental qualification.



Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 77-78.

In Interrogatory B-44 of Joint Intervenors' Third Set of Interrogatories, Joint Intervenors then asked:

In response to IQ N-6, Applicants argue that the question is irrelevant and outside the scope of this proceeding. In fact, maintenance and surveillance during operations are crucial to assure that equipment is environmentally qualified, since operation of the facility could have an effect on the environmental qualification of the equipment. Surely, the Applicants plan some sort of maintenance and surveillance program for this equipment; Intervenors merely ask what it is. Please provide the response to IQ N-6.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-44 on the following grounds:

(1) interrogatory B-44 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-44 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a.

Applicants also refer the Intervenors to their response to interrogatory N-6 of the Intervenors' First Set of Interrogatories.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 68-69.

Joint Intervenors offer no further discussion in support of this interrogatory. See Motion to Compel at 7. As discussed above, Contention 10.7 (hydrogen recombiners) was limited to two specific questions -- whether there are unqualified transducers and whether the recombiner has been qualified as a unit. The maintenance and surveillance program at VEGP is not relevant to either of these questions. Accordingly, Applicants' objections should be sustained.

R. Joint Intervenors' Interrogatory B-45

Interrogatory P-2 of Joint Intervenors' First Set of Interrogatories asked:

Give a full and complete analysis of how the all volatile treatment ("AVT") will eliminate the problems seen in other Westinghouse steam generators with regards to general corrosion, stress corrosion cracking, denting and tube thinning. This analysis will include, but not necessarily be limited to: all relevant studies; a summary of all important empirical data; a statement of the conditions under which the AVT is effective and conditions under which it is not effective; an explanation of how conditions at Plant Vogtle will be controlled so the AVT will be effective for the life of the plant.

Applicants responded:

RESPONSE: Applicants object to interrogatory P-2 on the following grounds:

(1) interrogatory P-2 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory P-2 seeks information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 79-80.

In Interrogatory B-45 of Joint Intervenors' Third Set of Interrogatories, Joint Intervenors stated:

In response to IQ P-2, Applicants argue that the question is irrelevant and outside the scope of this proceeding. However, this is relevant to the extent that it applies to bubble collapse and vibration-induced fatigue cracking. Within these confines, please provide a response to IQ P-2.

Applicants responded:

RESPONSE: The Applicants object to interrogatory B-45 on the following grounds:

(1) interrogatory B-45 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-45 seeks information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted Contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Subject to these objections, the Applicants further respond to interrogatory B-45 by stating that tube failures resulting from vibration-induced fatigue cracking or bubble collapse have not been observed in any Westinghouse designed steam generators.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 69-70.

Joint Intervenors offer no further argument in support of these interrogatories. As expressed in Interrogatory B-45, Joint Intervenors apparently contend that Interrogatory P-2 falls within the scope of the portions of Contention 11 admitted by the Board. Interrogatory P-2, however, addresses corrosion, stress corrosion cracking, denting, and tube thinning -- phenomena that the Licensing Board specifically excluded in its restatement and narrowing of Contention 11. LBP-84-35, 20 N.R.C. 887, 907-08 (1980). Applicants' objections should be sustained.

Even if Interrogatory B-45 were liberally interpreted as rewording Interrogatory P-2 to ask how AVT will eliminate the

problems seen in other Westinghouse steam generators regarding bubble collapse and vibration-induced fatigue cracking, Joint Intervenors would still have no cause for complaint. Applicants responded that tube failures from vibration-induced fatigue cracking and bubble collapse have not been observed in any Westinghouse designed steam generators. (Joint Intervenors themselves in response to Applicants' discovery requests have been unable to identify any instance in which a Westinghouse-designed steam generator has experienced tube failure due to vibration-induced fatigue cracking or bubble collapse.) The use of AVT at plant Vogtle does not relate to these phenomena.

S. Joint Intervenors' Interrogatory B-46

Interrogatory P-3 of Joint Intervenors' First Set of Interrogatories asked:

Give a full and complete analysis of the Applicant's maintenance and surveillance program in regards to the Westinghouse steam generator.

Applicants responded:

RESPONSE: Applicants object to interrogatory P-3 on the following grounds:

(1) interrogatory P-3 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory P-3 seeks information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing

Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 80-81.

Interrogatory B-46 of Joint Intervenors' Third Set of Interrogatories then stated:

In response to IQ P-3, Applicants argue that the question is irrelevant and outside the scope of this proceeding. In fact, the maintenance and surveillance program is relevant to the degree that it affects the possibility of vibration-induced fatigue cracking and bubble collapse. Within these confines, please provide the response to IQ P-3.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-46 on the following grounds:

(1) interrogatory B-46 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-46 asks for information beyond the scope of those matters identified as being in controversy in this proceeding by the ASLB in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted Contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Subject to these objections, the Applicants further respond to interrogatory

B-46 by stating that tube failures resulting from vibration-induced fatigue cracking or bubble collapse have not been observed in any Westinghouse designed steam generators.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 70-71.

Joint Intervenors do not offer further argument in support of these interrogatories. See Motion to Compel at 7. As expressed in Interrogatory B-46, Joint Intervenors' position is that the adequacy of Applicants' steam generator maintenance and surveillance program is relevant to Contention 11 (as reworded and admitted). However, Contention 11 makes no mention of Applicants' steam generator maintenance and surveillance program; nor was this topic raised in the discussion of Intervenors' proposed contentions. See Campaign for a Prosperous Georgia Supplement to Petition for Leave to Intervene and Request for Hearing (April 11, 1984) at 26-27. Conversely, Interrogatory P-3 makes no mention of and is not restricted to tube failure due to vibration-induced fatigue cracking and bubble collapse; and Interrogatory B-46, although ambiguous, appears to repeat the demand for a full and complete analysis of Applicants' steam generator maintenance and surveillance program. Applicants submit that their objections should be sustained. Applicants again remark that no Westinghouse-designed steam generator has experienced tube failure due to vibration-induced fatigue cracking or bubble collapse.

T. Joint Intervenors' Interrogatory B-47

Interrogatory P-4 of Joint Intervenors' First Set of Interrogatories asked:

Justify the procedures stated in the current Operators Manual for Emergency Action during a steam generator tube rupture ("SGTR"), using technical reports and any other information you have available.

Applicants responded:

RESPONSE: Applicants object to interrogatory P-4 on the following grounds:

(1) interrogatory P-4 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory P-4 seeks information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 81.

Interrogatory P-5 of Joint Intervenors' First Set of Interrogatories asked:

Under what conditions would a SGTR accident cause activation of the ECCS? What additional problem would this cause in the management of the SGTR accident?



Applicants responded:

RESPONSE: Applicants object to interrogatory P-5 on the following grounds:

(1) interrogatory P-5 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory P-5 seeks information that is outside the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 81-82.

Document Request Q-1 of Joint Intervenors' First Set of Interrogatories asked:

Provide copies of the current and all previous revisions of the Operators Manual for Emergency Action during a steam generator tube rupture accident.

Applicants responded:

RESPONSE: Applicants object to request to produce Q-1 on the following grounds:

(1) request to produce Q-1 asks for documents that are not relevant to the subject matter of this proceeding and that are not reasonably calculated to lead to the discovery of admissible evidence, and

(2) request to produce Q-1 calls for documents outside the scope of those

matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 89-90.

Finally, Document Request Q-2 of Joint Intervenors' First Set of Interrogatories asked:

Please provide copies of all tests, test results, studies, memoranda, scientific treatises and other reports or information (whether published or not) which to Applicant's knowledge tend to support, contradict or otherwise relate to any answer to the interrogatories included above.

Applicants responded:

RESPONSE: Applicants object to request to produce Q-2 on the following grounds:

(1) request to produce Q-2 is overly broad, unduly burdensome, and oppressive, and producing the requested documents would necessitate an unreasonable and costly expenditure of time, effort, and research by Applicants, and

(2) Applicants cannot properly respond to request to produce Q-2 because the description of the category of documents sought is too vague and is susceptible to varying interpretations.

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 90.

In Interrogatory B-47 of Joint Intervenors' Third Set of Interrogatories, Joint Intervenors then stated:

In response to IQ P-4, Applicants argue that the question is irrelevant and outside the scope of this proceeding. In fact, procedures for emergency action in steam generator tube rupture are relevant since the Applicants have not demonstrated basis for confidence that such an accident will not occur (cf. ASLB order). IQ P-5, P-6, Q-1 and Q-2 are similarly relevant. Please provide responses to IQ P-4, 5 and 6 and Q-1 and 2.

Applicants responded:

RESPONSE: Applicants object to interrogatory B-47 on the following grounds:

(1) interrogatory B-47 requests information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence, and

(2) interrogatory B-47 requests information beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, which restricted Contention 11 to issues related to "steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse."

Subject to these objections, the Applicants further respond to interrogatory B-47 by stating that tube failures resulting from vibration-induced fatigue cracking or bubble collapse have not been observed in any Westinghouse designed steam generators.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 71-72.

Joint Intervenors offer no further argument in support of these discovery requests. See Motion to Compel at 7. As expressed in Interrogatory B-47, Joint Intervenors' position appears to be that steam generator tube rupture emergency procedures are encompassed by Contention 11. However, the wording of Contention 11 and the Board's discussion of the basis for admitting the contention clearly indicate that the only issue encompassed is whether Applicants have taken adequate measures to prevent tube failure occasioned by vibration-induced fatigue cracking and bubble collapse.<sup>11/</sup> See LBP-84-35, 20 N.R.C. 887, 907-08 (1980). As Applicants have repeatedly responded, no Westinghouse-designed steam generator has experienced tube failure due to vibration-induced fatigue cracking or bubble collapse. Applicants submit that their objections should be sustained.

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<sup>11/</sup> SGTR emergency procedures and ECCS actuation logic were in fact advanced by Intervenors in their discussion of their proposed Contention 11. See Campaign for a Prosperous Georgia Supplement to Petition for Leave to Intervene and Request for Hearing. (April 12, 1984) at 26-27; Campaign for a Prosperous Georgia Amendment to Supplement to Petition for Leave to Intervene and Request for Hearing (May 25, 1984) at 24-25; Applicants' Response to GANE and CPG Supplements to Petitions for Leave to Intervene (May 7, 1984) at 76-77. The Board did not include this issue in the "restated and narrowed" Contention 11 which it admitted.

U. Joint Intervenors' Interrogatory B-48

Interrogatory R-9 of Joint Intervenors' First Set of Interrogatories asked:

What are the surface and surficial aquifer transmissions from the cooling tower effluent?

Applicants responded:

RESPONSE: Applicants object to interrogatory R-9 on the following grounds:

(1) interrogatory R-9 seeks information that is not relevant to the subject matter of this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence.

(2) interrogatory R-9 requests information that is beyond the scope of those matters identified as being in controversy in this proceeding by the Board in its Memorandum and Order on Special Prehearing Conference Held Pursuant to 10 C.F.R. 2.715a, and

(3) interrogatory R-9 is vague, confusing, and not susceptible to a proper response by Applicants, since Applicants do not know what the Intervenors mean by "surface and surficial aquifer transmissions."

Applicants' Response to Intervenors' First Set of Interrogatories and Request for Production of Documents (Nov. 29, 1984) at 103.

In Interrogatory B-48 of Joint Intervenors' Third Set of Interrogatories, Joint Intervenors then stated:

In response to IQ R-9, Applicants argue that the question is irrelevant and outside the scope of this proceeding. This is directly relevant to the ASLB order in regard to groundwater and to cooling tower

emissions. Please provide a response to IQ R-9.

Applicants responded:

RESPONSE: Applicants refer the Intervenors to their response to interrogatory R-9 of the Intervenors' First Set of Interrogatories and the objections stated therein.

Applicants' Response to Intervenors' Third Set of Interrogatories and Request for Production of Documents (Feb. 13, 1985) at 72.

Joint Intervenors offer no further argument in support of these interrogatories. See Motion to Compel at 7. As expressed in Interrogatory B-48, Joint Intervenors' position is apparently that the interrogatories are relevant to ground water and cooling tower emissions. However, Interrogatory R-9 addresses effluent, not the airborne releases that are the subject of Contention 12; and effluent from cooling towers has nothing to do with the gravamen of Contention 7 -- "that an accidental spill of radioactive water on the site could result in radioactive contamination of the shallow, and possibly the deeper, aquifers under Plant Vogtle. . . ." LBP-84-35, 20 N.R.C. 887, 900 (1984).

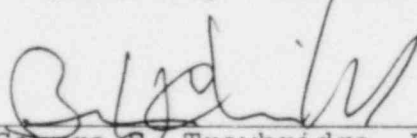
In addition, Joint Intervenors ignore Applicants' objection that the interrogatory is vague. Applicants do not understand what is meant by "surface and surficial aquifer transmissions." Joint Intervenors provide no clarification. Even if the interrogatory were relevant -- and it is not -- Applicants

would be unable to answer. Accordingly, Applicants submit that their objections should be sustained.

IV. Conclusion

For all the reasons above, Joint Intervenors' motion to compel should be denied in toto.

Respectfully submitted,



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George E. Trowbridge, P.C.  
Bruce W. Churchill, P.C.  
David R. Lewis  
SHAW, PITTMAN, POTTS & TROWBRIDGE

James E. Joiner, P.C.  
Charles W. Whitney, P.C.  
Kevin C. Greene  
Hugh M. Davenport  
TROUTMAN, SANDERS, LOCKERMAN  
& ASHMORE

Counsel for Applicants

Dated: March 18, 1985

March 18, 1985  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
GEORGIA POWER COMPANY <u>et al.</u>	)	Docket Nos. 50-424
	)	50-425
(Vogtle Electric Generating Plant,	)	(OL)
Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer Opposing Joint Intervenors' Motion to Compel," was served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 18th day of March, 1985.

  
\_\_\_\_\_  
Bruce W. Churchill, P.C.

Dated: March 18, 1985



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of )  
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GEORGIA POWER COMPANY, et al. ) Docket No. 50-424  
 ) 50-425  
(Vogtle Electric Generating Plant, )  
Units 1 and 2 )

SERVICE LIST

Morton B. Margulies, Chairman  
Atomic Safety and Licensing Board  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Gustave A. Linenberger  
Atomic Safety and Licensing Board  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Oscar H. Paris  
Atomic Safety and Licensing Board  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Bernard M. Bordenick, Esq.  
Office of Executive Legal Director  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S.Nuclear Regulatory Commission  
Washington, D.C. 20555

Douglas C. Teper  
1253 Lenox Circle  
Atlanta, GA 30306

Jeanne Shorthouse  
507 Atlanta Avenue  
Atlanta, GA 30315

Laurie Fowler & Vicki Breman  
Legal Environmental Assistance  
Foundation  
1102 Healey Building  
Atlanta, GA 30303

Tim Johnson  
Campaign for a Prosperous Georgia  
175 Trinity Avenue, S.W.  
Atlanta, GA 30303

Carol A. Stangler  
425 Euclid Terrace  
Atlanta, GA 30307

Dan Feig  
1120 Alta Avenue  
Atlanta, GA 30307

Bradley Jones, Esquire  
Regional Counsel  
U.S.Nuclear Regulatory  
Commission  
101 Marietta Street, Suite 3100  
Atlanta, GA 30303