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RELATED CORRESPONDENCE

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD '94 MAY 18 P3:54

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

INTERVENOR'S THIRD SET OF INTERROGATORIES  
AND REQUEST FOR DOCUMENTS TO GEORGIA POWER

I. INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, Allen L. Mosbaugh, Intervenor, hereby requests that Licensee, Georgia Power Company, answer the following interrogatories in writing and under oath within 14 days of service of this document and produce all requested documents within 30 days of service of this document (documents must be made available for production in Washington, D.C.

II. INSTRUCTIONS

A. Each person listed is to answer the interrogatories in Section IV individually and distinctively.

1. Ed Addison
2. John Aufdenkampe
3. Barney Beasley
4. George Bockhold
5. Mark Briney
6. Kenneth Burr
7. James Bailey
8. Paul Burwinkle

DSD3

9. Jimmy Paul Cash
10. Charles Coursey
11. Bill Chenault
12. A.W. Dahlberg
13. S. Driver
14. Christopher Eckert
15. Georgie Fredrick
16. Joseph Farley
17. Thomas Greene
18. George Hairston
19. H.M. Handfinger
20. K.R. Holmes
21. M.W. Horton
22. W.F. Kitchens
23. Paul Kochery
24. R.L. LeGrand
25. Harry Majors
26. Ken McCoy
27. Patrick McDonald
28. Cliff Miller
29. Rick Odom
30. Paul Rushton
31. Jackson Stringfellow
32. William Shipman
33. Kenneth Stokes
34. Robert Sherrer

35. J.E. Swartzwelder
36. C.P. Stinespring
37. T.E. Webb
38. Louis Ward
39. Guss Williams
40. Troutman Sanders
41. GPC Corporate Representative

B. If you cannot answer a particular interrogatory in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying and explaining your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

C. Each interrogatory is a continuing one, and should be supplemented as required by 10 C.F.R. § 2.740(e).

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

1. Identify the portion of the interrogatory to which such information is otherwise responsive;

2. If the information is a document or oral communication, identify the document's title or the oral communication and state the general subject matter of the document or oral communication;



3. If the information is a document or oral communication, state the date of the document or oral communication;

4. If a document, identify its author(s) and the person(s) for whom it was prepared or to whom it was sent, including all persons who received copies;

5. If an oral communication, identify all persons present at the time of the oral communication;

6. State the nature of the privilege or immunity claimed; and

7. State in detail each and every fact upon which you base your claim of privilege or immunity from discovery.

E. In each case where you are asked to identify or to state the identity of a document or where the answer to the interrogatory refers to a document, state with respect to each such document:

1. The identity of the person who prepared it;

2. The identity of all persons who reviewed or approved it;

3. The identity of the person who signed it, or over whose name it was issued;

4. The identity of the addressee or addressees;

5. The nature and substance of the document with sufficient particularity to enable the same to be identified;

6. The date of the document; and



7. The present location of the document and the identity and address of each person who has custody of the document.

F. In each case where you are required to identify an oral communication, or where the answer to the interrogatory refers to an oral communication, state with respect thereto:

1. The date and place thereof;
2. The identity of each person who participated in or heard any part of the communication;
3. If the communication was by telephone, so indicate and state who initiated the telephone call;
4. The substance of what was said by each person who participated in the communication; and
5. The location and the identity and address of the custodian of any document (including any mechanical, magnetic, electrical or electronic recording) that recorded, summarized, reported or confirmed the oral communication.

G. In each instance where you are asked to identify or to state the identity of a person, or when the answer to an interrogatory refers to a person, state with respect to each such person:

1. His or her name;
2. His or her last known business and residence addresses and telephone numbers;

3. If an individual, his or her business affiliation or employment at the date of the transaction, event or matter referred to; and

4. If a corporation or association, the business or activity in which it was engaged at the date of the transaction, event or matter referred to.

H. As used herein, the phrases "state in detail", "answer in detail" and "described in detail" shall mean that you are requested to state, with specificity, each and every fact, ultimate fact, circumstance, incident, act, omission, event and date, relating to or otherwise pertaining to the matters inquired of in said interrogatory.

### III. DEFINITIONS

A. As used herein, the terms "Licensee", "Georgia Power Company", "The Southern Company", "SONOPCO", "you", or "Your" and any synonym thereof and derivative therefrom are intended to, and shall, embrace and include each person listed, (answering Section IV of these interrogatories), individually and in their capacity as an agent or employee of Georgia Power Company, The Southern Company, and/or SONOPCO, past or present, and counsel for each person listed (answering Section IV of these interrogatories) and Georgia Power Company, The Southern Company, and SONOPCO, their counsel and all their respective agents, servants, associates, employees, representatives, private investigators, and others who are or have been in possession of or may have obtained

information for or on behalf of each person listed in any manner with respect to any matter referred to in the Petition.

B. As used herein, the term "documents" includes any written, recorded or graphic matter, however produced or reproduced, of every kind and regardless of where located, including but not limited to any summary, schedule, memorandum, note, statement, letter, telegram, interoffice communication, report, diary, desk or pocket calendar or notebook, daybook, appointment book, pamphlet, periodical, work sheet, cost sheet, list graph, chart, index, tape, record, partial or complete report of telephone or oral conversation, compilation, tabulation, study, analysis, transcript, minutes, and all other memorials of any conversations, meetings, and conferences, by telephone or otherwise, and any other writing or recording which is in the possession, custody or control of the person listed or any employees, representatives, attorneys, investigators, or others acting on his behalf.

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

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

E. As used herein, the term "Petition" shall mean the Petition to Intervene and Request for Hearing, dated October 22, 1992, filed by Intervenor in this proceeding.



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

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

H. As used herein, the term "date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

I. As used herein, the term "person" shall mean any individual, partnership, firm, association, corporation or other government, legal or business entity.

J. "Contact" means any and all communication by any means whatsoever that involved a transfer of information, whether written, oral or in any other form, including discussions, letters, memoranda, telephone calls, or telegrams.

K. As used herein, the term "U.S. Senate hearings" shall mean the hearings held in July 1993 before the U.S. Senate Committee on the Environment and Public Works, Subcommittee on Clean Air and Nuclear Regulation to consider the NRC's handling of intimidation and harassment allegations by employees within the nuclear industry.

L. The term "Vogtle Coordinating Group" or "Group" shall mean the Vogtle Coordinating Group and all its respective agents, servants, associates, employees, representatives, and others who are or have been in possession of or may have obtained information for or on behalf of the Vogtle Coordinating Group.

M. The term "OI Report" shall mean NRC Office of Investigations Report No. 2-90-020.

N. The term "Notice of Violation" shall mean the May 9, 1990 Notice of Violation and Proposed Imposition of Civil Penalties issued against GPC.

IV. INTERROGATORIES AND DOCUMENT REQUEST FOR PERSONS LISTED

1. Identify all contacts, including but not limited to meetings, interviews, telephone conversations and correspondence, which you, your counsel, or counsel for GPC have had concerning the allegations in the Petition, the Amended Petition, the OI Report, the Notice of Violation, or any allegations which GPC intends to or may raise in this proceeding (other than communications related to the illegal license transfer allegation and other than such communication which were identified to Intervenor in GPC's previous responses to interrogatories in connection with this proceeding), including but not limited to those with:

- a. any employee of the NRC (particularly but not limited to employees within NRC's Office of Nuclear Reactor Regulation, Office of General Counsel and Office of Investigations);
- b. any employee of the U.S. Department of Justice;
- c. any member, staff person or other representative of the U.S. Congress;
- d. any member of the Vogtle Coordinating Group; and
- e. any member of the press.

2. With respect to each contact identified in interrogatory 1 above, answer in detail the following:

- a. with whom was the contact made;
- b. when did the contact take place;
- c. what was the reason for the contact;
- d. where did the contact take place;
- e. how did the contact take place.

3. With respect to each contact identified in interrogatory 1 above:

- a. if a written communication occurred then:
  - i) in addition to the information required by Instruction II. E, identify all persons who received a copy of the communication; and
  - ii) produce a copy of each such communication, including drafts.
- b. if other than a written communication, then:
  - i) in addition to the information requested by Instruction II.E, identify who was made aware of the substance of the conversation.
  - ii) state the sum and substance of such communication(s);
  - iii) Produce any notes or memorandum that reflect the fact that the conversation occurred or which reflect any portio of the conversation.

4. With respect to each contact identified in interrogatory 1 above, identify other documents which in any



manner discuss or relate to such communications and produce a copy of each document, including drafts. With respect to each contact identified in interrogatory 1 above, answer in detail the following:

- a. with whom was the contact made;
- b. when did the contact take place;
- c. what was the reason for the contact;
- d. where did the contact take place;
- e. how did the contact take place.

V. INTERROGATORIES AND DOCUMENT REQUEST TO GPC

1. Excluding any and all tapes transcribed by NRC, identify every tape transcript in the control or possession of GPC or its counsel that were compiled from any tape recording prepared by Allen Mosbaugh. For each such tape transcript:

- a. identify it by NRC tape No;
- b. state the exact number of pages pertaining to each individual transcription;
- c. identify whether the transcription is full or partial, and if partial whether the full transcription ever existed.
- d. produce a copy of all transcripts identified above that were not previously produced to Intervenor.

2. Identify everyone known to GPC\Southern Nuclear that was a party to any portion of the 4-19-90 afternoon telephone conference call between the site and corporate offices for which

there is a partial transcript of the conference call in NRC Tape Transcript No. 58, between page 8, line 7, and page 17, line 11.

- a. For each person identified above, state the location (including city, building and office) of each person during the call.

3. With respect to the Plant Vogtle Unit 1 Emergency Diesel Generator 1A, start Nos. 139, 140, 141, 146, 148, and Generator 1B start Nos. 120, 121, 123, 124, 132, 133, 134, 136, 153, 156, 157, 160, 161, 162, 164, and 165, identify whether any problem or failure occurred during any start or run identified above. For each such identified start or run, state in detail the following:

- a. Primary cause of any problem or failure that occurred during that start or run;
- b. Secondary cause(s) of any problem or failure that occurred during that start or run;
- c. Root cause of any problem or failure that occurred during that start or run.
- d. Identify each and every start listed above that was believed or suspected to have a common cause with the failures occurring during the 3-20-90 Site Area Emergency.

4. For Plant Vogtle Emergency Diesel Generators 1A and 1B, state the starts by number which occurred during the Unit 1 1990 refueling outage which reflect:

- a. when the diesel came out of "maintenance overhaul";
- b. when the diesel was "returned to service";
- c. when the diesel was "declared operable";
- d. the starts that constitute "post maintenance start[s]".

5. On 4-3-90 at approximately 5:15 a.m., problem(s) occurred in the Plant Vogtle Unit 1 Emergency Diesel Generator 1B systems, that resulted in the receipt of a maintenance lockout alarm due to low control air pressure. For any and all problems or factors contributing to or causing any problem identify:

- a. all contributing factors;
- b. The primary cause of any problem or contributing factor;
- c. What the problem or contributing factor was;
- d. Any secondary cause(s) of any problem or contributing factor;
- e. The root cause of any problem or contributing factor.

6. List the air quality and dew point reading taken between 1989 and 1990 of Vogtle Diesel Generators 1A, 1B, 2A or 2B. With respect to this list:

- a. Identify all occasions, during 1989 and 1990, when the Vogtle Diesel Generator 1A, 1B, 2A or 2B control air quality (including the dewpoints) were not satisfactory.



- i) For each occasion, state the date, time and dewpoint measured for each diesel.
- ii) Identify all corrective action(s) taken to correct each instance where the dewpoint was considered to be less than satisfactory (i.e. "not satisfactory").
- iii) Identify every person who knew the dewpoint was less than satisfactory.

7. Identify each occasion during 1989 and 1990 when the Vogtle Emergency Diesel Generators 1A, 1B, 2A and 2B, had a control air dryer(s) out of service and the associated compressor(s) in service.

- a. Identify every person who knew this condition existed.

8. Answer in detail the following pertaining to Mr. Dahlberg's testimony in the Senate hearings:

- a. identify and produce all documents used in preparing Mr. Dahlberg's Senate testimony, including drafts;
- b. produce all documents relating directly or indirectly to Mr. Dahlberg's Senate testimony, including drafts;
- c. list all persons involved in preparing Mr. Dahlberg for his Senate testimony and the extent of their involvement.

9. State in detail every specific fact Licensee is aware of which it believes could adversely affect a determination concerning the credibility of Allen Mosbaugh.

- a. For each such fact produce all relevant documents Licensee relied upon to reach its conclusion which GPC has in its control or possession;
- b. For each such fact identify all relevant documents which GPC does not have in its control or possession but knows or believes to exist;
- c. For each such fact state the identity of every person Licensee contacted to reach its conclusion.

10. State in detail every contact Licensee has had with the Vogtle Coordinating Group before and after the Notice of Violation was issued. Answer the following for each such contact:

- a. with whom was the contact made;
- b. when did the contact take place;
- c. what was the reason for the contact;
- d. where did the contact take place;
- e. how did the contact take place.
- f. what was the sum and substance of the contact.

11. Produce all documents transmitted to the NRC, Congress or any other person concerning the matters in the Petition, Amended Petition, OI Report, or Notice of Violation since responding to Intervenor's last request for discovery for production of documents.

12. State whether the statements attributed to GPC in the May 13, 1994 article in the Atlanta Journal article "NRC: Vogtle Chief Helped Water Down Accident Report", and in the May 11, 1994 article "Georgia Power Facing Fine in Vogtle Probe" are accurate. If not, explain in detail the inaccuracies.

13. Identify each person, other than those persons identified in previous responses to interrogatories in connection with this proceeding, whom you contend has any information or knowledge relating to any facts supporting or opposing any of the allegations made in the Petition, Amended Petition, OI Report, or Notice of Violation (other than the illegal license transfer allegation), and for each person identified, provide a brief summary of the knowledge or information possessed.

14. Identify each person retained, employed, interviewed or consulted by you (or whom you plan to retain, employ, interview, or consult with) in preparation for the hearing of this matter (other than with respect to the illegal license transfer allegation) who is not expected to be called as a witness at the hearing.

15. State whether Intervenor has ever been subjected to any form of background investigation, credit check, or any other type investigation or inquiry by GPC or its counsel or any entity known to GPC or its counsel. If the answer is yes:

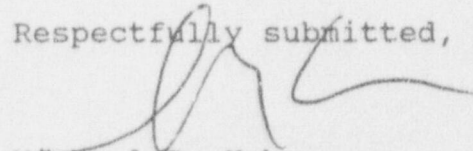
- a. Identify all persons, companies or corporations (or other entities) GPC has ever employed to



investigate Intervenor at any time. For each such investigation undertaken by Intervenor:

- i) Identify the person(s) employed;
- ii) Identify what specific factual information they were to obtain;
- iii) Identify who authorized the investigation;
- iv) Identify who knew of the investigation.
- v) Produce all information and documents obtained about Intervenor.

Respectfully submitted,



Michael D. Kohn  
Stephen M. Kohn  
Kohn, Kohn & Colapinto, P.C.  
517 Florida Ave., N.W.  
Washington, D.C. 20001  
(202) 234-4663

Attorneys for Intervenor

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DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

94 MAY 18 P3:54

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In the Matter of )  
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GEORGIA POWER COMPANY )  
et al., )  
 )  
(Vogtle Electric Generating )  
Plant, Unit 1 and Unit 2) )  
\_\_\_\_\_ )

DOCKET NO. 50-424-OLA-3  
DOCKET NO. 50-425-OLA-3  
OFFICE OF REGULATORY  
SERVICE  
BRANCH

Re: License Amendment  
(transfer to Southern Nuclear)  
  
ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Third Set of Interrogatories and Request for Documents to Georgia Power has been served on the 17th day of May, 1994 on the following by first class mail postage prepaid (and by hand delivery on May 17, 1994 on those persons designated with an "\*"):

Administrative Judge  
Peter B. Bloch, Chair  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
James H. Carpenter  
933 Green Point Drive  
Oyster Point  
Sunset Beach, NC 28468

Administrative Judge  
Thomas D. Murphy  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Charles A. Barth, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Atlanta, GA 30308-2216

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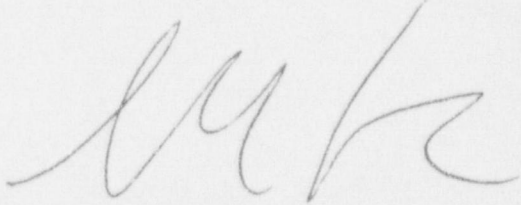
\*Ernest L. Blake, Jr.  
David R. Lewis  
SHAW, PITTMAN, POTTS &  
TROWBRIDGE  
2300 N Street, N.W.  
Washington, D.C. 20037

and by ~~first class mail on May 2, 1994 upon:~~

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

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

By:

  
\_\_\_\_\_  
Stephen M. Kohn  
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Washington, D.C. 20001  
(202) 234-4663

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