

13929

RELATED CORRESPONDENCE

DOCKETED
USNED

MAY 3 (Kc)
93 APR 33 AM 104

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 2)

*
*
*
*
*
*
*
*

Docket Nos. 50-424-OLA-3
50-425-OLA-3

Re: License Amendment
(Transfer to Southern
Nuclear)

ASLBP No. 96-671-01-OLA-3

GEORGIA POWER COMPANY'S
FIRST SET OF INTERROGATORIES
TO ALLEN L. MOSBAUGH

I. INTRODUCTION.

Pursuant to 10 C.F.R. § 2.740b, Georgia Power Company hereby requests that Allen L. Mosbaugh answer the following interrogatories in writing and under oath within 14 days of service of this document.

II. INSTRUCTIONS.

A. 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

3503

the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

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

C. 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.

D. 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.

E. 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.

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

1. His name;

2. His last known business and residence addresses and telephone numbers;

3. If an individual, his 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.

G. As used herein, the phrases "state 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 "Intervenor", "you," or "your" and any synonym thereof and derivative therefrom are intended to, and shall, embrace and include Intervenor Allen L. Mosbaugh and counsel for Intervenor 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 Intervenor 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 Intervenor 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 "Southern Nuclear" shall mean the Southern Nuclear Operating Company, Inc., a subsidiary of The Southern Company.

I. As used herein, the term "SONOPCO project" shall mean the consolidation of GPC, Alabama Power Company and Southern Company Services, Inc. personnel in Birmingham, Alabama between November 1988 and January 1991 for the management and support of the Southern system nuclear facilities.

J. As used herein, the term "Hobby/Mosbaugh Petition" shall mean the petition filed by the Intervenor and Mr. Marvin B. Hobby with the NRC relating to allegations of violations by GPC of NRC requirements, dated September 11, 1990, as supplemented by letters from Intervenor and Mr. Hobby to the NRC, dated September 21, 1990, October 1, 1990 and July 8, 1991.

K. 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.

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

IV. INTERROGATORIES

1. Identify each tape recording that you have made of conversations involving or relating to the Plant Vogtle, GPC, Southern Nuclear, Southern Company Services, Inc., or any of their employees or representatives. Include:

- a. the date and time of the conversation;
- b. the participants in the conversation; and
- c. the subject matter of the conversation.

2. With respect to each tape recording referred to in interrogatory 1 above, have any copies been made? If so, identify each tape recording that has been copied, the date or dates when each tape was copied, the number of copies of each tape recording that were made on each occasion of copying, and for each occasion of copying the purpose of the copying.

3. With respect to each tape recording referred to in interrogatory 1 above, identify all persons to whom the tape recording, or any copy thereof, has been provided. For each such person, identify:

- a. the specific tape recordings that were provided to such person;
- b. the date or dates upon which each tape recording was provided to such person;

c. the purpose for providing each tape recording to such person;

d. whether you have the right or ability to retrieve each tape recording from such person;

e. whether such person has returned any of the tape recordings and, if so (i) which tape recordings, (ii) on what dates they were returned, (iii) provide the reason for the return, and (iv) detail any subsequent disposition of each returned tape.

f. all communications referring or relating to the provision or return of each such tape to such person;

g. all communications referring or relating to the custody or control of each such tape, or to the circumstances under which the tape would be returned to you;

h. all documents referring or relating to the provision or return of each such tape to such person; and

i. all documents referring or relating to the custody or control of each such tape, or to the circumstances under which the tape would be returned to you.

4. Has any tape recording referred to in interrogatory 1, or any copy thereof, been destroyed or erased, in whole or part? If so, for each tape recording, or copy thereof, that was destroyed or erased, in whole or part, identify:

- a. the specific tape recording, or copy thereof, that was destroyed or erased, in whole or part;
- b. the date upon which each such destruction or erasure occurred;
- c. the person who effected the destruction or erasure;
- d. the reason for the destruction or erasure;
- e. all communications relating or referring to the destruction or erasure; and
- f. all documents relating or referring to the destruction or erasure.

5. Identify all documents that index, transcribe (in whole or part), summarize, or otherwise discuss each tape recording referred to in interrogatory 1 above.

6. With respect to each tape recording referred to in interrogatory 1 above, identify all persons to whom any transcript, partial transcript, summary, or other document discussing the tape recording have been distributed. For each such person, identify:

a. the specific tape recordings that were transcribed (in whole or part), summarized or otherwise discussed in the documents provided to each person;

b. the date or dates upon which each such document was provided to such person;

c. the purpose for providing each such document to such person;

d. all communications referring to or relating to the provision of each such document to such person; and

e. all documents referring to or relating to the provision of each such document to such person.

7. Identify all communications relating to the provision, custody, control, or return of tape recordings referred to in interrogatory 1 above, other than those communications identified in response to interrogatory 3 above.

8. Identify all documents referring or relating to the provision, custody, control, or return of tape recordings referred to in interrogatory 1 above, other than those documents identified in response to interrogatory 3 above.

9. Identify any recordings that you have made of conversations involving the NRC (including OI) or the Department of Justice.

10. Identify all communications, including but not limited to meetings, interviews, telephone conversations and correspondence, which you have had concerning the allegations in the Petition or the Amended Petition or any other allegations which you intend to or may raise in this proceeding, including but not limited to those with:

- a. the NRC;
- b. the U.S. Department of Justice;
- c. the U.S. Congress; and
- d. other persons (other than such communications which were provided to GPC in connection with the Department of Labor cases Nos. 90 ERA-30, 91-ERA-1 and 91-ERA-11).

11. With respect to each communication identified in interrogatory 10 above, if a written communication, in addition to the information required by Instruction II.D, identify all persons who received a copy.

12. Describe in detail each specific incident which Intervenor intends to or may raise at the hearing in this case in order to prove the Board-admitted contention and, with respect to each such incident:

- a. identify all witnesses who will testify on behalf of Intervenor;
- b. identify all documents which Intervenor or Intervenor's witnesses will rely on at the hearing;
- c. state when Intervenor became aware of such specific incident;
- d. identify the participants in such incident;
- e. state when such incident occurred;
- f. describe the aspects of such incident, if any, that constitute willful wrongdoing;
- g. describe how such incident shows a lack of character;
- h. describe how such incident shows a lack of competence;
- i. describe how such incident shows a lack of integrity;
- j. describe how such incident shows a lack of candor;
- k. describe how such incident shows a lack of truthfulness;
- l. describe how such incident shows a lack of willingness to abide by regulatory requirements;

m. identify whether Intervenor has any direct, personal knowledge of such incident and, if so, what is the basis of such direct, personal knowledge.

13. Identify all communications, whether written or oral, between the Plant Vogtle staff and the GPC corporate office on April 19, 1990 concerning the language of LER-90-006. For each such communication:

a. describe the portions of oral communications which you listened to and the portions which you did not;

b. describe the portions of such oral communications which you tape recorded;

c. identify the participants in the oral communications listened to by you;

d. describe the statements made by Intervenor with respect to the Plant Vogtle Unit 1 diesel generators;

e. describe the statements made by each other participant with respect to the Plant Vogtle Unit 1 diesel generators and identify which participant made each statement;

f. identify any documents comprising, referring or relating to such communications.

14. Describe in detail the specific problems with or failures of the Plant Vogtle Unit I diesel generators of which you notified GPC management between March 20, 1990 and April 19, 1990, inclusive; identify each GPC employee who was notified of such problems or failures; detail the circumstances of that notification; and identify all documents referring or relating to each such notification.

15. Describe in detail the information contained in GPC's April 9, 1990 letter to the NRC, GPC's April 9, 1990 presentation transparencies and GPC's April 19, 1990 LER 90-006 which Intervenor alleges were willful material false statements when made or submitted to the NRC, and with respect to each inaccuracy state:

- a. On what basis Intervenor concludes that such inaccuracy was willful.
- b. the specific dates when Intervenor learned of such inaccuracy.
- c. the actions taken by Intervenor to correct such inaccuracy.
- d. all documents referring or relating to such inaccuracy.

16. State the Intervenor's definition of each of the following terms as they relate to the Board-admitted contention:

- a. character
- b. competence
- c. integrity
- d. candor
- e. truthfulness
- f. willingness to abide by regulatory

requirements

17. With respect to the tape recordings referred to in interrogatory 1 above, identify each tape (by the date and number marked thereon) and the portion or portions of each tape which the Intervenor intends to rely on in this proceeding.

18. Identify each person whom you contend has any information or knowledge relating to any facts supporting any of the allegations made in the Amended Petition, and for each person identified, provide a brief summary of the knowledge or information possessed.

19. Identify each person you expect to call as an expert witness at the trial of this matter, and for each person state the subject matter, the facts and the opinions or conclusions to which he or she is expected to testify and give a summary of the grounds for each opinion or conclusion.

20. Identify each person retained, employed or consulted by you in anticipation of litigation or in preparation for the trial of this matter who is not expected to be called as an expert witness at trial.

21. State each and every fact which supports your claim that GPC illegally transferred control of the operation of Plant Vogtle without the knowledge or consent of the co-owners of Plant Vogtle, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

22. State each and every fact which supports your claim that The Southern Company has a "corrupt corporate

policy," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

23. State each and every fact which supports your claim that The Southern Company or Southern Nuclear and its management chain of command lacks character, competence, integrity, candor, or truthfulness, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

24. State each and every fact which supports your claim that The Southern Company or Southern Nuclear and its management chain lacks a "willingness to abide by regulatory requirements," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

25. State each and every fact which supports your claim that The Southern Company controls and directs the management of Southern Nuclear, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

26. If you contend that The Southern Company improperly formed Southern Nuclear, state each and every

fact supporting your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

27. State each and every fact supporting your claim that GPC lost touch with the operation of Plant Vogtle as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

28. State each and every fact supporting your claim that Mr. McDonald made misleading statements about the staffing of the SONOPCO project and about the role he played in said project as alleged in the Amended Petition; describe each such statement; identify to whom such statement was made; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

29. If you contend that GPC did not keep the NRC informed about GPC organizational structure, allocation of responsibilities and authorities, and personnel qualification requirements, state each and every fact which supports your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

30. State each and every fact which supports your claim that Southern Nuclear and The Southern Company do not have the requisite corporate ethics to operate Plant Vogtle; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

31. If you contend that Southern Nuclear or The Southern Company has exhibited behavior which bears a connection to unsafe operation of Plant Vogtle, state each and every fact which supports your claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

32. Identify the "other documentation" in the possession of the NRC which you contend support your claim that Southern Nuclear or GPC submitted materially false information to the NRC as alleged in the Amended Petition.

33. State each and every fact which supports your claim that Southern Nuclear or GPC conspired to cover up wrongdoing in order to obstruct the NRC's investigation into allegations set forth in the Hobby/Mosbaugh Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

34. State each and every fact which supports your claim that there was a "conspiracy" regarding submission of material false information to the NRC in LER 90-006;

identify all members of this alleged conspiracy; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

35. State each and every fact which supports your claim that a Plant Vogtle license transfer to Southern Nuclear would increase the risk of the possibility of an accident and represents an unsafe operating condition, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

36. State each and every fact which supports your claim that Joseph M. Farley was given the responsibility for and served as the de facto Chief Executive Officer of the SONOPCO project, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

37. State each and every fact which supports your claim that The Southern Company established a de facto SONOPCO project Board of Directors headed by Mr. Farley, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

38. State each and every fact which supports your claim that The Southern Company Board received all of its

information concerning the performance of GPC's nuclear plants directly from Mr. Farley, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

39. If you contend that R.P. McDonald reported to Mr. Farley regarding the operation of GPC's nuclear plants, state each and every fact supporting such a claim; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

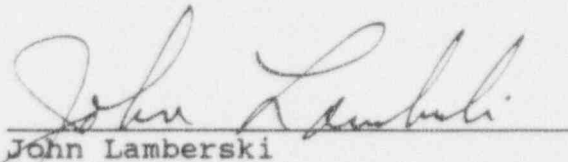
40. State each and every fact which supports your claim that Mr. McDonald and Mr. Farley selected Ken McCoy to serve as the new Plant Vogtle Project Vice President, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

41. State each and every fact which supports your claim that the SONOPCO project management team for Plant Vogtle was selected over a two-day period by Messrs. McDonald, McCoy, Hairston and Beckham, as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

42. With respect to the allegation in the Petition that "the conversations Mr. Mosbaugh captured on tape irrefutably demonstrate that SONOPCO management responsible for submitting LER 90-006 knew that said LER contained material false statements and that said management conspired to and did submit materially false information to the NRC that was significant to the regulatory process," please state the date and place of each conversation referred to; identify those persons involved in each conversation; describe the subject matter of each conversation; and identify all documents which reflect, refer or relate to each conversation.

43. State each and every fact which supports your claim that Mr. McDonald's response submitted to the NRC on April 1, 1991 "contains numerous verifiable material false statements," as alleged in the Amended Petition; identify all individuals with knowledge of these facts; and identify any and all documents supporting your claim.

Dated: April 30, 1993.



John Lamberski

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

(404) 885-3360

Ernest L. Blake, Jr., Esq.
David R. Lewis, Esq.

SHAW, PITTMAN, POTTS &
TROWBRIDGE
2300 N Street, NW
Washington, DC 20037

(202) 663-8084

Counsel for Georgia Power
Company

SECRETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'93 APR 33 A11:04

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
ADMINISTRATIVE & SERVICE
BRANCH

In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 2)

*
*
*
*
*
*
*
*

Docket Nos. 50-424-OLA-3
50-425-OLA-3

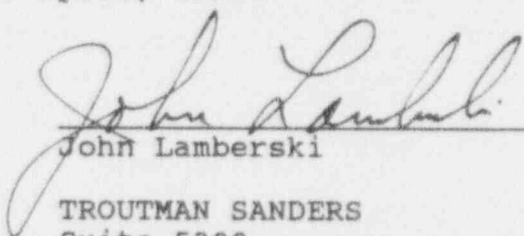
Re: License Amendment
(Transfer to Southern
Nuclear)

ASLBP No. 96-671-01-OLA-3

CERTIFICATE OF SERVICE

This is to certify that copies of the within and fore-
going "Georgia Power Company's First Set of Interrogatories
to Allen L. Mosbaugh" were served on all those listed on the
attached service list by depositing same with an overnight
express mail delivery service.

This is the 30th day of April, 1993.


John Lamberski

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 2)

* Docket Nos. 50-424-OLA-3
* 50-425-OLA-3
*
*
* Re: License Amendment
* (Transfer to Southern
* Nuclear)
*
* ASLBP No. 96-671-01-OLA-3

SERVICE LIST

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

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

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

Office of Commission Appellate
Adjudication
One White Flint North
11555 Rockville Pike
Rockville, MD 20852
ATTENTION: Docketing and
Service Branch

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

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

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

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