

13938

RELATED CORRESPONDENCE

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

'93 MAY -5 AM 125

Before Administrative Judges:  
Peter B. Bloch, Chair  
Dr. James H. Carpenter  
Thomas D. Murphy

In the Matter of )

GEORGIA POWER COMPANY )  
et al., )

(Vogtle Electric Generating )  
Plant, Unit 1 and Unit 2) )

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

Re: License Amendment  
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

INTERVENOR'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS BY GEORGIA POWER COMPANY

Pursuant to 10 C.F.R. § 2.741, 10 C.F.R. 2.740 and the applicable rules of discovery, Allen Mosbaugh requests that Georgia Power Company ("GPC") deliver the below requested documents, to Kohn, Kohn & Colapinto, P.C., 517 Florida Ave., N.W., Washington, D.C., on or before June 2, 1993.

I. DEFINITIONS

1. Definitions: For the purpose of these interrogatories the following terms shall mean:

a. "Document" shall mean every writing of every type and description, and every other instrument or device by which, through which or on which information has been recorded and/or preserved, including but not limited to memoranda, including those reflecting meetings, discussions or conversations, notes, letters, drawings, files, graphs, charts, maps, photographs, deeds, agreements, contracts, handwritten notes, diaries, logs, ledgers, studies, data sheets, notebooks, books, appointment calendars, telephone bills, telephone messages, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, voice recordings, computer printouts, computer discs and programs, and other data compilations, device or media on which or through

which information of any type is transmitted, recorded or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

- b. "NRC" shall mean U.S. Nuclear Regulatory Commission
- c. "DOL" shall mean U.S. Department of Labor
- d. "GPC" shall mean Georgia Power Company, its parent company, The Southern Company, and any nuclear subsidiary of the Southern Company, including Alabama Power Company, Southern Company Services, Inc. and Southern Nuclear Operating Company, Inc. and/or SONOPCO, and all their respective attorneys, agents, servants, associates, employees, representatives, private investigators, and others who have performed any service on behalf of GPC. GPC shall also mean all minority owners of Vogtle Electric Generating Plant, Units 1 and 2, and their respective attorneys, agents, servants, associates, employees and other persons who have acted on behalf of either GPC or the other owners of Plant Vogtle.
- e. "SONOPCO" or "Southern Nuclear" shall refer to the Southern Nuclear Operating Company.
- f. "DOJ" shall mean U.S. Department of Justice.
- g. The terms "and" and "or" shall each mean "and/or."
- h. The term "2.206 Petition" shall mean any petition, supplement to a petition or request for relief filed by Marvin Hobby and/or Allen Mosbaugh and/or the National Whistleblower Center (or counsel representing any of the above). This term includes, but is not limited to, any and all filings made by Intervenor to the NRC pursuant to 10 C.F.R. § 2.206.
- i. The term "Southern system" shall refer to any legal entity, corporation, subsidiary that is owned or controlled in part by The Southern Company, including, GPC, Alabama Power Corporation, SONOPCO, and Southern Company Services.

## II. INSTRUCTIONS

- a. This discovery request is deemed to be continuing and any other additional information which is

discovered and responsive to this request requires supplementation to these answers, up to and including any time prior to the issuance of a final order by the Atomic Safety and Licensing Board terminating the proceedings.

- b. If GPC believes that the production of any document is privileged, in whole or in part, or otherwise objects to producing any document or any part any document, GPC must state the reason(s) for each objection, and identify each person having knowledge of the factual basis, if any, on which the privilege or objection is asserted.
- c. If GPC once had any document responsive to the request for production, but said document has been destroyed, lost, given or loaned to another or is otherwise unavailable for inspection, GPC must provide the following information:
  - i. Identify what information was maintained in such documents;
  - ii. Identify all documents that contained such information;
  - iii. State the time period during which such documents were maintained;
  - iv. State the circumstances under which such documents ceased to exist;
  - v. Identify all persons having knowledge of the circumstances under which documents ceased to exist; and
  - vi. Identify all persons who have knowledge or had knowledge of the documents and their contents.
  - vii. The name and address of all other persons who have or may have had said document;
  - viii. A summary of the contents of said document; and
  - ix. The date and reason why the document was destroyed, lost, loaned, given or otherwise became unavailable.

- d. Intervenor requests that GPC produce the original or exact copy of all documents in GPC's custody or possession or control that are in any way responsive to any of the below-stated requests.

### III. REQUESTS FOR PRODUCTION

1. All documents from GPC, SONOPCO, their counsel or any one associated with GPC or SONOPCO provided to the NRC at any time that in any way relates to any matter discussed in the 2.206 petition.
2. All documents from GPC, SONOPCO, their counsel or anyone associated with GPC or SONOPCO prepared in anticipation of, during or after any NRC investigation, inspection or inquiry that occurred at or concerned Plant Vogtle, SONOPCO or the SONOPCO project since 1988.
3. Document(s) in your control or possession from the DOJ or sent to the DOJ concerning any matter related to Plant Vogtle, SONOPCO or GPC;
4. All documents that relate or refer to the OSI conducted at Plant Vogtle in 1990 and any other inspection at Plant Vogtle which occurred during 1990, including any statement or document prepared or used to coordinate any response(s) to the OSI, or that were located by GPC or SONOPCO that relate to any matter investigated during the OSI.
5. All statements signed by any current or former GPC, SONOPCO or Southern System employee (or former employee) that in

any way relates to any allegation set forth in the 2.206 petition and/or this proceeding, including statements related to the participants to any April 19, 1990 conference call.

6. All drafts of statements that any individual did not sign or refused to sign or that differs in any respect to the statement the individual eventually signed with respect to any allegation set forth in the 2.206 petition, including any statements concerning the April 19, 1990 conference call.

7. All documents that were provided to the NRC or received from the NRC since 1989 that in any way relates to any actual, potential, alleged or suspected violation of Plant Vogtle safeguards requirements.

8. All documents that in any way relates to any Section 210 or 211 proceeding commenced against any company within the Southern system (including, but not limited to GPC) since 1988.

9. All documents related to any concerns raised or complaints filed by former GPC employees Yonkers and Fuchko.

10. All documents (including all drafts and the final settlement agreement reached in the Yonkers and Fuchko Section 210 case) relating directly or indirectly to any Section 210 or 211 settlement at any nuclear facility currently managed by SONOPCO since 1987;

11. All documents relating to any informal agreements or understandings reached between the parties in the Yonkers or Fuchko matter.

12. All documents, records, work product of any kind or

other material prepared by or in the possession of the Troutman, Sanders, Lockerman & Ashmore law firm ("TSLA") related to the Yonkers/Fuchko matter, including any and all statements of any witness or individual taken, prepared or given to TSLA at any time.

13. All documents relating to any other allegation(s) that GPC and/or SONOPCO retaliated against any employee(s) or person(s) in violation of Section 210 or 211 of the Energy Reorganization Act since 1988.

14. All documents, including but not limited to, internal files such as those maintained by GPC's corporate concerns program, GPC's quality assurance program(s) and GPC's quality control programs that relate in any manner to the following:

- a. Allegations filed by any person that GPC engaged in any activity which is criminal;
- b. Allegations filed by any person that GPC engaged in any activity in violation of a NRC regulation;
- c. Allegations filed by any person that GPC intentionally violated any NRC regulation and/or any law, whether state or federal;
- d. Any allegation raised by Allen Mosbaugh and/or Marvin Hobby since 1988;
- e. Any allegation that any employee was discriminated against in violation of 10 C.F.R. 50.7, Section 210 of the ERA and/or Section 211 of the ERA;



f. Any allegation that GPC does not have the proper character to operate Plant Vogtle.

15. All documents that in any way relate to any OI investigation currently under investigation or that was at any time initiated since 1987 with respect to GPC and/or The Southern Company;

16. Documents directly or indirectly related to Allen Mosbaugh and/or Marvin Hobby, including any investigative, surveillance, background, financial, law enforcement or other kind of surveillance or investigative file/report concerning anything having to do with Allen Mosbaugh, Marvin Hobby, Georgians Against Nuclear Energy, or Glenn Carol.

17. Identify and produce a copy of every transcript of any tape recording GPC made between 1988 and present, including all transcripts of tape recordings GPC believes to have been made by Allen Mosbaugh.

18. Produce a copy of every affidavit, transcript or other sworn or unsworn statement made by any person which relates in any manner to the contention admitted in this proceeding, the 2.206 petition filed by Intervenor, and/or any allegations made by Intervenor.

19. Produce any and all drafts of all documents identified in number 18 above.

20. Produce all documents directly or indirectly related to any allegation GPC believes that either Allen Mosbaugh or Marvin Hobby raised with the DOL, the DOJ, the NRC, the news media,

local citizens' organizations, or any other government or private investigatory body. This request includes, but is not limited to notes taken at any meeting or of any discussion related to said allegations.

21. All internal, external or other evaluations or reports of any kind concerning allegations raised internally or externally by Allen Mosbaugh or Marvin Hobby, including allegations set out in the 2.206 petition and/or the admitted contention in this proceeding.

22. All internal or external investigations or evaluations or inquiries into SONOPCO and its corporate management's character and/or qualifications, including any and all background searches conducted of any past or present corporate officer of SONOPCO (or the SONOPCO project).

23. The complete personnel files maintained by SONOPCO and/or GPC that relate to the following persons:

- a) McDonald;
- b) McCoy;
- c) Hairston;
- d) Bockhold;
- e) Shipman;
- f) Farley;
- g) Aufdenkampe;
- h) Tom McHenry.

24. All expense accounts, including all corporate credit card charges, transportation (including corporate planes and



other transportation logs), covering the entire period between March 19, 1990 and April 20, 1990 that pertain to the following persons:

- a) McDonald;
- b) McCoy;
- c) Hairston;
- d) Bockhold;
- e) Shipman;
- f) Farley;

25. All documents directly or indirectly related to any and all meetings, discussions, communications between, or contacts with anyone (including other employees, supervisors, government investigators, etc.) which directly or indirectly concern Allen Mosbaugh, Marvin Hobby, the 2.206 petition, and the contention admitted in this proceeding.

26. All documents directly or indirectly related to all NRC investigations into allegations raised by Allen Mosbaugh or thought to have been raised by Allen Mosbaugh. This includes, but is not limited to, the 2.206 petition(s) filed by Allen Mosbaugh and/or Marvin Hobby.

27. All documents directly or indirectly related to any newspaper stories and/or reporter inquiries which concerned either Allen Mosbaugh and/or Marvin Hobby. This includes, but is not limited to, all newspaper stories which appeared in the Atlanta Constitution and Augusta Chronicle and which appeared on NBC news;

28. All documents directly or indirectly related to the work performance, disciplinary actions, and/or any legal or administrative action or proceeding filed concerning the following persons:

- a) McDonald;
- b) McCoy;
- c) Hairston;
- d) Shipman;
- e) Stringfellow;
- f) Bockhold;
- g) Aufdenkampe;
- h) Rushton;

29. All corporate resolutions pertaining to salary, compensation, benefits, stock options, perks, or any form of compensation, inducement, or retirement plans concerning any past or present member of the SONOPCO board of directors or any past or present officer of SONOPCO or the SONOPCO project.

30. All board of director minutes (whether formal or informal) taken during any and all SONOPCO or SONOPCO project board meetings.

31. All minutes and notes concerning any Southern system (including GPC's board of directors) board of director meeting(s) that in any way relate to the formation of the SONOPCO project or to the incorporation of SONOPCO.

32. All documents related to any Southern Company board meeting related to the creation of the SONOPCO project and/or the

incorporation of SONOPCO.

33. All Southern system and/or GPC documentation concerning the creation of the SONOPCO project or SONOPCO.

34. Any documents which demonstrate that SONOPCO's management has the requisite character, competence, commitment to licensing requirements and integrity to operate a nuclear facility licensed by the NRC.

35. All documents pertaining to the reliability of the Plant Vogtle diesel generators.

36. All documents, and specifically all drafts, revisions, corrections, or amendments, that pertain in any way to any LER, confirmation of action letter, NRC investigation, meetings with any NRC persons, that in any way concerns or relates to the Plant Vogtle 1990 site area emergency.

37. All documents related directly or indirectly to Licensee Event Report LER 90-006 regarding 1990 Vogtle Site Area Emergency, including documents related to Revisions 0 and 1, and all subsequent revisions.

38. Produce all notebooks, appointment books, diaries, telephone logs, calendars, or other such documentation used by any of the following persons between 1988 and the present (and specifically the period between March 19, 1990 and April 20, 1990):

- a) McDonald;
- b) McCoy;
- c) Hairston;

- d) Shipman;
- e) Stringfellow;
- f) Bockhold;
- g) Rushton;

39. Produce all documents which GPC intends to introduce in the hearing or through prefiled testimony.

40. Produce all documents relied upon or used when responding to the 2.206 petition.

41. Produce all documents identified in or used when answering any discovery filed in this case, used by any witness in this case for the purposes of preparing for testimony and/or used to prepare any pleading filed in this case.

42. Produce all documents identified in Allen Mosbaugh's First Set of Interrogatories to GPC served on May 4, 1993.

43. Produce all documents related in any manner to any allegations that GPC ever engaged in any criminal activity and/or ever intentionally violated NRC requirements.

44. Produce all documents related in any manner to all contacts GPC has had with the U.S. Department of Justice and/or the U.S. Attorney's office(s) since March 19, 1990.

45. Produce all documents directly or indirectly related to the contention admitted in this proceeding.

46. Produce all documents which directly or indirectly demonstrate any GPC manager or officer has engaged in any criminal activity.

Respectfully submitted,



---

Michael D. Kohn  
Stephen M. Kohn  
KOHN, KOHN & COLAPINTO, P.C.  
517 Florida Ave., N.W.  
Washington, D.C. 20001-1850  
(202) 234-4663

Attorneys for Intervenor

DATED May 4, 1993.

054\doc.gpc

53 MAY -5 11:25

53 MAY -5 11:25

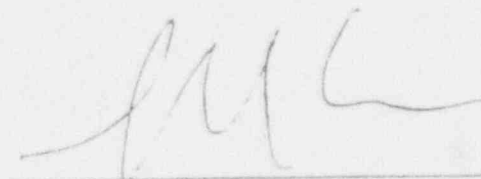
ASLBP No. 93-671-01-OLA-3



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

\*Office of the Secretary (\* Original and two copies)  
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



---

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

054\cert1/nrc