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RELATED CORRESPONDENCE

EX-111  
USNRC (K)

UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

|                        |   |                           |
|------------------------|---|---------------------------|
| In the Matter of       | * |                           |
|                        | * |                           |
| GEORGIA POWER COMPANY, | * | Docket Nos. 50-424-OLA-3  |
| <u>et al.</u>          | * | 50-425-OLA-3              |
|                        | * |                           |
| (Vogtle Electric       | * | Re: License Amendment     |
| Generating Plant,      | * | (Transfer to Southern     |
| Units 1 and 2)         | * | Nuclear)                  |
|                        | * |                           |
|                        | * | ASLBP No. 96-671-01-OLA-3 |

GEORGIA POWER COMPANY'S  
FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS BY ALLEN L. MOSBAUGH

I. INTRODUCTION.

Pursuant to 10 C.F.R. § 2.741, Georgia Power Company hereby requests that Allen L. Mosbaugh respond to the following request for production of documents. GPC requests that the documents specified below be made available for inspection and copying by GPC's counsel within 30 days from the service of this request at the offices of Kohn, Kohn & Colapinto in Washington, D.C.

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## II. INSTRUCTIONS.

A. Manner of Objections and Inability to Respond: If Intervenor objects to a part of any single request for documents herein and refuses to answer that part, Intervenor must state his objections and answer the remaining portion of such request. If Intervenor objects to the scope or time period of any request herein and refuses to answer for that scope or time period, Intervenor must state his objection and answer such request for the scope or time period he believes is appropriate.

If any of the requests herein cannot be responded to in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying the inability to answer the remainder, and stating whatever information Intervenor has concerning the unanswered portions. If Intervenor's response is qualified in any particular way, please set forth the details of such qualifications.

B. Documents No Longer In Your Possession, Custody or Control: Whenever production is requested of a document which is no longer in the possession, custody or control of Intervenor, Intervenor's response should identify the document by name, number, form or description, and by date made, and should state when the document was most recently

in Intervenor's possession, custody or control, the disposition made of the documents, and the identity of the person or persons now in possession, custody, or control of such document. If the document has been destroyed, the response should state the reason for its destruction and the identity of the person or persons who destroyed the document and who directed that the document be destroyed.

C. Manner of Production: The documents produced pursuant to any particular request herein shall be separately produced for each paragraph of such request or, in the alternative, shall be identified as complying with the particular paragraph or paragraphs to which they are responsive. If a document responsive to a request has already been produced to GPC in a separate proceeding, please identify the responsive document, but do not produce the document again.

D. Privileged Documents: In the event Intervenor wishes to assert attorney-client privilege or work product exclusion or any other privilege as to any document requested by any of the requests herein, then as to each document subject to such assertion, please identify the documents and include: the nature of the document, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original of any copy was

circulated, a summary statement of the subject matter of such document in sufficient detail to permit the Licensing Board to reach a determination as to the claimed privilege in the event of a motion to compel, and indicate the basis for the privilege or the like.

### 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 "document" 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 "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.

#### IV. REQUESTS FOR PRODUCTION.

1. All documents comprising, referring or relating to tape recordings relating to GPC, Southern Nuclear, Southern Company Services, Inc., Plant Vogtle, or any of the employees or representatives of the foregoing, including without limitation:

- a. tapes, or copies thereof, provided by Intervenor to a Congressional committee or subcommittee;
- b. tapes, or copies thereof, evidencing, referring or relating to safety allegations made by Intervenor to the NRC or relied on in preparing the Hobby/Mosbaugh Petition;

c. notes made by Intervenor while listening, or as a result of listening, to tape recordings which refer or relate to Intervenor's safety allegations concerning Plant Vogtle which Intervenor submitted to the NRC between June and August, 1990.

2. All documents evidencing, referring or relating to any communication, whether oral or written, between Intervenor and the NRC or the Department of Justice and relating to GPC, Southern Nuclear, Southern Company Services, Inc., Plant Vogtle, or any of the employees or representatives of the foregoing (other than documents produced in response to Request No. 1 above), including without limitation:

- a. the allegation drafted by the Intervenor and submitted to the NRC which addressed written statements made to the NRC by GPC regarding the Plant Vogtle diesel generators;
- b. the allegation submitted to the NRC by Intervenor (or his counsel) on June 13, 1990;
- c. documents provided to the NRC in July and August, 1990 to assist the NRC in preparing for an Operational Safety Inspection of Plant Vogtle which occurred in August of 1990;



- d. transcripts or notes of the interview of Intervenor conducted by the NRC on July 18 and 19, 1990 in Augusta, Ga.;
- e. transcripts or notes of the interview of Intervenor conducted by members of the NRC Operational Safety Inspection team in July or August, 1990;
- f. notes, telephone memos, daytimer entries, or other documents evidencing, referring or relating to interviews, meetings, correspondence or conversations between representatives of the NRC's Office of Investigation (including but not limited to Mr. Larry Robinson) and Intervenor;
- g. correspondence between the NRC and Intervenor concerning Safeguards Information as that term is defined in 10 C.F.R. § 73.2;
- h. documents described, displayed or provided to the NRC by Intervenor on January 25, 1991 and January 29, 1991 as enumerated in the "Declaration of Larry L. Robinson" attached to NRC's motion for a partial stay of a motion to compel by the administrative law judge in Department of Labor case no. 90-ERA-58, dated February 14, 1991.



3. All documents referring or relating to, or relied on with respect to the subject matter of, the allegations in the Petition or the Amended Petition or any other allegation which you intend to raise in this proceeding (other than documents produced in response to Requests Nos. 1 and 2 above), including without limitation:

- a. any drafts or revisions of the allegations referred to in Requests No. 2 above;
- b. any tabulation of starts of the Plant Vogtle Unit 1 diesel generator(s) made by the Intervenor, including documents used as sources of information for any such tabulation;
- c. drafts, notes and other documents used in preparation of the Hobby/Mosbaugh Petition, including without limitation, information which Mr. Larry Robinson of the NRC requested that Intervenor not include in such petition;
- d. notes, telephone memos, daytimer entries, or other documents evidencing, referring or relating to conversations between Mr. William Shipman of GPC and Intervenor concerning the diesel generators at Plant Vogtle;
- e. notes, telephone memos, daytimer entries, or other documents evidencing, referring or relating

to conversations on April 19, 1990 involving GPC employees at Plant Vogtle and GPC/Southern Nuclear employees at the corporate offices in Birmingham related to the diesel generators at Plant Vogtle;

f. notes, telephone memos, daytimer entries, or other documents evidencing, referring or relating to failures of the Plant Vogtle Unit 1 diesel generator which Intervenor alleges he brought to GPC management's attention between April 17-19, 1990;

g. all documents which Intervenor obtained on or about April 17-18, 1990 which allegedly demonstrated that the diesel generators had suffered failures and problems after the March 20, 1990 Site Area Emergency at Plant Vogtle;

h. drafts of Licensee Event Report No. 90-006 regarding the March 20, 1990 Site Area Emergency at Plant Vogtle received by Intervenor prior to submission of Licensing Event Report No. 90-006 to the NRC;

i. documents evidencing, referring or relating to Intervenor's issuance of an "action item" to the Plant Vogtle General Manager in May, 1990

related to the diesel generators and the number of successful starts of such generators;

j. documents evidencing, referring or relating to the action taken, or lack thereof, by the Plant Vogtle General Manager in response to the "action item" referred to in Request No. 4(i) above;

k. notes or other documents used by the Intervenor to refresh his recollection in his deposition taken on behalf of GPC on September 11, 1990 in Augusta, Georgia in connection with Department of Labor Civil Action No. 90-ERA-58.

4. All documents which to your knowledge, information or belief, prove, support or constitute evidence of any fact or circumstance upon which you base any of the allegations of the Petition or the Amended Petition.

5. All written statements, transcriptions of oral statements, affidavits or reports given by any person regarding the Petition or the Amended Petition or the allegations therein.

6. All documents which you are requested to identify or upon which you rely in responding to GPC's First Set of Interrogatories to you, served contemporaneously herewith.

7. All documents reflecting, referring or relating to the opinion, representation, or evaluation of any specially

employed or retained expert witness you expect to call at the time of trial and all documents reviewed by such person(s) in connection with this proceeding.

8. All documents reflecting, referring or relating to the opinion, representation, or evaluation of any specially employed or retained expert who is not expected to be called as a witness at the trial and all documents reviewed by such person(s) in connection with this proceeding.

9. All documents which you may use in the trial of this case or at any hearing in this case, either as evidence or to assist in the presentation of evidence.

10. All documents reflecting, referring or relating to any communication, whether written or oral, with any third parties concerning the claims made in the Petition and Amended Petition, including without limitation, communication with Marvin B. Hobby and Tom McHenry.

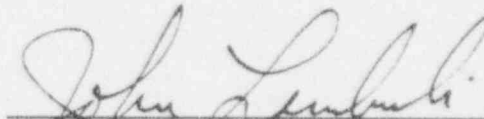
11. All documents delivered to you reflecting, referring or relating to the allegations of the Petition, Amended Petition or the Hobby/Mosbaugh Petition by any person or entity, including without limitation the following:

- a. Marvin B. Hobby;
- b. Tom McHenry;

- c. Any employee, representative or agent of GPC, Southern Nuclear or The Southern Company, or any subsidiary or affiliate thereof; and
- d. Any employee, agent or representative of the NRC or the Department of Justice.

12. All appointment books, diaries, telephone logs, or calendars used by you at any time from the beginning of 1989 to the present.

DATED: April 30, 1993

  
\_\_\_\_\_  
John Lamberski

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Counsel for Georgia Power  
Company

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

LOCKETED  
USNRC

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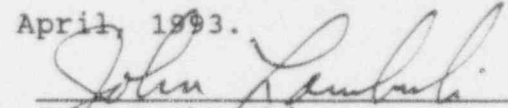
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| In the Matter of       | * |                           |
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| <u>et al.</u>          | * | 50-425-OLA-3              |
|                        | * |                           |
| (Vogtle Electric       | * | Re: License Amendment     |
| Generating Plant,      | * | (Transfer to Southern     |
| Units 1 and 2)         | * | Nuclear)                  |
|                        | * |                           |
|                        | * | ASLBP No. 96-671-01-OLA-3 |

CERTIFICATE OF SERVICE

This is to certify that copies of the within and foregoing "Georgia Power Company's First Request for Production of Documents by 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

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(404) 885-3360

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

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SERVICE LIST

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

Administrative Judge  
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Administrative Judge  
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USNRC, Region II  
101 Marietta Street, NW  
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Atlanta, Georgia 30303

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