

RELATED CORRESPONDENCE

October 8, 1993

UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER COMPANY,
et al.

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Docket Nos. 50-424-OLA-3

50-425-OLA-3

Re: License Amendment

(Transfer to Southern

Nuclear)

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

GEORGIA POWER COMPANY'S
FIRST SET OF INTERROGATORIES AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE NRC STAFF

I. INTRODUCTION.

Pursuant to 10 C.F.R. § 2.720, Georgia Power Company requests that the Nuclear Regulatory Commission Staff answer the interrogatories set out in Section IV hereof, in writing and under oath, within 14 days of service of this document. Georgia Power Company asserts that the interrogatories are necessary to a proper decision in the proceeding and the answers to the interrogatories are not reasonably obtainable from any other source.

Additionally, pursuant to 10 C.F.R. § 2.744, Georgia Power Company requests that the Nuclear Regulatory

Commission Staff produce the documents requested in Section V hereof for inspection and copying, within 14 days from the service of this request, at the NRC Region II offices in Atlanta, Georgia. Georgia Power Company asserts that the requested documents (1) are relevant to the proceeding because they relate to Intervenor's asserted factual basis that Georgia Power Company officials conspired to submit false information to the NRC in LER 90-006, dated April 19, 1990 and (2) are not reasonably obtainable from any other source.

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 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 discovery requests is privileged or immune from discovery:

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

2. If the information is a document or oral communication, identify the document's title or the 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 identify 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 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.

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.

H. Whenever production is requested of a document which is no longer in the possession, custody or control of

the NRC Staff, your 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 the NRC Staff'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, the identity of the person or persons who destroyed the document and who directed that the document be destroyed.

III. DEFINITIONS.

A. As used herein, the term "Intervenor" shall mean 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 NRC Staff or any employees, representatives, attorneys, investigators, or others acting on its 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 terms "NRC Staff, "you," or your" shall mean all of the officials, employees, investigators, agents, contractors, representatives, attorneys and others acting on behalf of the NRC, except for Commission adjudicatory employees as that term is defined in 10 C.F.R. § 2.4.

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

G. As used herein, the term "Southern Nuclear" shall mean the Southern Nuclear Operating Company, Inc., a subsidiary of The Southern Company.

IV. INTERROGATORIES.

1. Describe in detail the information or knowledge obtained by the following persons on or before April 9, 1990, regarding Plant Vogtle Unit 1 emergency diesel generator problems associated with diesel generator sensors/switches after March 20, 1990:

- a. Mr. Kenneth E. Brockman
- b. Mr. Alfred E. Chaffee
- c. Mr. Stewart D. Ebnetter
- d. Mr. Milton D. Hunt
- e. Mr. Peter A. Taylor

With respect to each discrete piece of information, identify the source of the information, the date it was received and all documents which contain or reference such information.

2. Describe in detail the additional information or knowledge obtained by the following persons on or before April 19, 1990, regarding Plant Vogtle Unit 1 emergency

diesel generator problems associated with diesel generator sensors/switches after March 20, 1990:

- a. Mr. Kenneth E. Brockman
- b. Mr. Alfred E. Chaffee
- c. Mr. Stewart D. Ebnetter
- d. Mr. Milton D. Hunt
- e. Mr. Peter A. Taylor

With respect to each discrete piece of information, identify the source of the information, the date it was received and all documents which contain or reference such information.

3. Describe in detail Mr. Kenneth E. Brockman's entire recollection of the substance and circumstances of the following telephone conversations:

- a. All calls between Mr. Brockman and Mr. C. Kenneth McCoy, GPC, in the late afternoon on April 19, 1990.
- b. All calls between Mr. Brockman and Mr. McCoy on or about May 24, 1990 concerning diesel generator starts or problems.
- c. All calls between Mr. Brockman and Mr. William B. Shipman, GPC, on or about June 14, 1990 concerning diesel generator starts or problems.

d. All calls between Mr. Brockman and Mr. McCoy on or about June 29, 1990 concerning diesel generator starts or problems.

e. Identify all documents which in any way relate to the foregoing telephone conversations.

4. With respect to the telephone conversation between Messrs. Brockman and McCoy in the late afternoon of April 19, 1990, answer the following questions:

a. Does Mr. Brockman deny that, during the call, Mr. McCoy and Mr. Brockman discussed paragraph (g) of page three of GPC's April 9, 1990 letter to the NRC? If the answer is yes, please explain the basis for that answer.

b. Does Mr. Brockman deny that, during the call, Mr. McCoy confirmed that Mr. Brockman understood the Vogtle 1B diesel had experienced problems and failures in the process of coming out of maintenance after March 20, 1990? If the answer is yes, please explain the basis for that answer.

c. Does Mr. Brockman deny that, during the call, Mr. McCoy explained that the third paragraph of page six of GPC's April 19, 1990 LER meant that there were at least 18 starts of each diesel following completion of the sensor calibrations and logic testing, i.e., once all the bugs had

been worked out of the machines after overhaul? If the answer is yes, please explain the basis for that answer.

d. Does Mr. Brockman deny that, during the call, Mr. Brockman confirmed to Mr. McCoy that he understood GPC's definition of "comprehensive test program of the diesel generator control systems," as that term was used in the April 19, 1990 LER? If the answer is yes, please explain the basis for that answer.

5. Describe in detail Mr. Stewart D. Ebnetter's entire recollection of the substance and circumstances of the following telephone conversations:

a. All calls between Mr. Ebnetter and Mr. W. George Hairston, III, GPC, on May 14, 1990.

b. All calls between Mr. Ebnetter and Mr. Hairston on or about May 24, 1990 concerning diesel generator starts or problems.

c. All calls between Mr. Ebnetter and Mr. Hairston on or about June 14, 1990 concerning diesel generator starts or problems.

d. Identify all documents which in any way relate to any of the foregoing telephone conversations.

6. Describe in detail Mr. Alan R. Herdt's entire recollection of the substance and circumstances of all telephone conversations he had with Mr. Shipman on or about June 14, 1990 concerning diesel generator starts or problems. Identify all documents which in any way relate to any such telephone conversations.

7. Describe in detail the entire recollection of any of the NRC Resident Inspectors, stationed at Plant Vogtle in April and May of 1990 (including Ms. Lee Trocine and Messrs. Ron Aiello, Doug Starkey and John Rogge), of the substance and circumstances of all discussions with Mr. George Bockhold, Jr. concerning GPC's oral or written statements to NRC on April 9 or 19, 1990 with respect to diesel generator starts or problems. Identify all documents which describe or refer to any such discussions.

8. Did NRC procedure in March 1990, including any procedures utilized by the Augmented Inspection Team ("AIT") or the Incident Investigation Team ("IIT") sent to Plant Vogtle in March, 1990, require the AIT or IIT to make records of telephone calls or communications with Georgia Power personnel? If so, describe in detail and identify the procedure.

- a. Did AIT and IIT personnel keep such records?

9. With respect to the matters included in Phase I of this proceeding pursuant to the Licensing Board's September 24, 1993 Order (LBP-93-21), state in detail the NRC Staff's current opinion, and the bases therefor, regarding the character, competence, integrity, candor, truthfulness and willingness to abide by regulatory requirements of each of the following current or former GPC and/or Southern Nuclear employees:

- a. Mr. George Bockhold, Jr.
- b. Mr. W. George Hairston, III
- c. Mr. C. Kenneth McCoy
- d. Mr. William B. Shipman
- e. Mr. N. Jackson Stringfellow
- f. Mr. John G. Aufdenkampe
- g. Mr. Allen L. Mosbaugh

Identify all documents which relate in any way to such NRC Staff opinions.

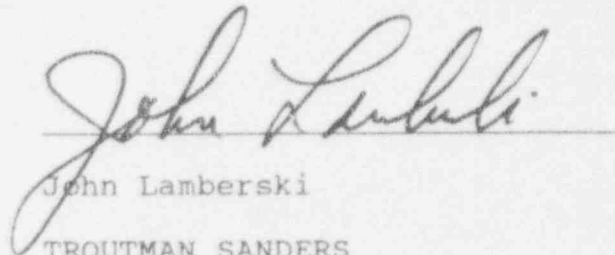
10. Identify by name the interviewees referred to in NRC Staff Supplemental Response to Intervenor's First Set of Interrogatories and Request for Production of Documents,

dated September 15, 1993, at 15-17, and identify the general subject matter of the interview.

V. REQUEST FOR DOCUMENTS.

1. Produce all documents identified in the NRC Staff's responses to interrogatories 3, 5, 6, 7 and 8 above.

DATED: October 8, 1993



John Lamberski

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

OFFICE OF LEGAL COUNSEL
DOCKETING & SERVICE
BRANCH

In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 2)

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

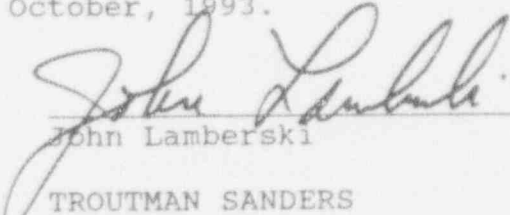
Re: License Amendment
(Transfer to Southern
Nuclear)

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

CERTIFICATE OF SERVICE

This is to certify that copies of the within and foregoing "Georgia Power Company's First Set of Interrogatories and Second Request for Production of Documents to the NRC Staff," as well as the cover letter from John Lamberski, Esq. to Charles Barth, Esq., were served on all those listed on the attached service list by depositing same with an express mail delivery service.

This is the 8th day of October, 1993.


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

In the Matter of
GEORGIA POWER COMPANY,
et al.

* Docket Nos. 50-424-OLA-3
* 50-425-OLA-3
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* Re: License Amendment
* (Transfer to Southern
* Nuclear)
*
* ASLBP No. 93-671-01-OLA-3

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