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RELATED CORRESPONDENCE

DOCKETED
July 1, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'94 JUL -8 P5:50

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

GEORGIA POWER COMPANY'S OBJECTIONS
TO THE DOCUMENT REQUESTS IN
INTERVENOR'S NOTICE OF DEPOSITIONS

On June 27, 1994, Intervenor Allen M. Mosbaugh filed a Notice of Deposition pertaining to twenty-one named individuals.^{1/} The notice includes an extremely broad and burdensome document request, which is directed more to Georgia Power Company (GPC) than to the named deponents and seeks documents beyond the scope of this proceeding. GPC has discussed this document request with Intervenor, but Intervenor has been unwilling to agree to reasonable bounds. Accordingly, in accordance with Intervenor's request set out in the last paragraph of the notice of deposition, GPC provides these written objections.

^{1/} Intervenor's Notice of Deposition of Kenneth Holmes; Paul Kochery; Kenneth Stokes; Tom Webb; Rick Odom; Skip Kitchens; Guss Williams; George Bockhold; James Bailey; William Shipman; Paul Rushton; Louis Ward; Cliff Miller; Mark Ajuluni; David Lisenby; C. K. McCoy; George Hariston; R. P. McDonald; Joseph Farley; and A. W. Dahlberg (June 27, 1994).

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GPC has previously produced sixty thousand pages of documents in this proceeding. GPC will review these documents and identify and bring to each deposition all such documents received from the deponent. GPC also does not object to the individuals be requested to bring any additional personal documents relevant to this proceeding. Intervenor's demand for a massive new document production in a very short time frame, however, is unreasonable.

Intervenor's Notice directs each of the identified individuals "to bring to their depositions [five categories of] documents that are or at any time were in their immediate control or possession (or in the immediate control or possession of their employer or legal counsel to GPC or other counsel retained to represent any individuals in the instant matter)." Notice at 2. While it is customary for a notice of deposition to ask a deponent to bring documents in his or her possession, it is neither customary nor reasonable to demand that all documents in the possession of the employer be produced at the same time.^{2/} Document requests directed to GPC are governed by 10 C.F.R. § 2.741, which affords GPC a thirty-day period in which to respond.

Intervenor's Notice would in effect nullify the document

^{2/} As stated above, GPC will identify and produce those documents that it previously received from the named deponents and produced in this proceeding.

production procedure in the Rules of Practice and demand extensive new document production from GPC in as little as ten days (when the first deposition is scheduled). For example, in conjunction with the second category of document, Intervenor would require GPC to provide every design and maintenance document (every procedure, every maintenance work order and package, every inspection report, every record of starts or runs) relating to the diesel generators, from initial procurement to the present day. This could amount to thousands of documents. Intervenor's has had months in which to file its document requests, and this last minute demand is unreasonable.

With respect to the categories of documents requested, Intervenor first asks for:

documents which contain the hand writing, thoughts or impressions of the witness with respect to:

- a) LER 90-006,
- b) the April 9, 1990 presentation to the NRC;
- c) the April 9, 1990 corrective action response filed by GPC;
- d) any issue in NRC OI Report 2-90-020R or the May 9, 1994 Notice of Violation issued by the Nuclear Regulatory Commission to Georgia Power Company;

Notice at 2-3. This first category of requested document would include statements unrelated to the diesel generator reliability. In discussions, Intervenor's counsel gave as an example statements in the LER concerning the truck accident in the switchyard that initiated the March 20, 1990 event. This position is inconsistent with the Board's June 2, 1994 Memorandum and Order (Scope of Discovery).

Intervenor's second category of requested documents asks for "all information directly or indirectly relating to the Plant Vogtle diesel generators or the air quality of said diesel generators." Notice at 3. The request is overbroad because no time limits are provided.

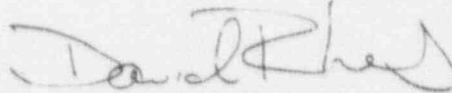
Intervenor's third category of requested documents asks for "all information transmitted between the Plant Vogtle site and/or SONOPCO/GPC Birmingham corporate offices that in any way concerns the diesel generators or site area emergency." Notice at 3. This request is objectionable because it is not limited to documents related to the diesel generator reliability issue in this proceeding. Under the Board's June 2, 1994 Memorandum and Order, questions directed to discovering what different individuals learned during the site area emergency is permissible only if it may be expected to relate directly or indirectly to whether Georgia Power told the whole truth about its diesel generators.

Intervenor's fourth category of requested documents asks for "all personally (sic) notes, log books, note books, personal calendars, taped memos, tape recordings or other documentation prepared by the witness or which includes the thoughts or impressions of the witness for the time period of January 1, 1990 through December 31, 1990." Notice at 3. Intervenor's fifth category of requested documents similarly asks for "all log books or note books any of the witnesses maintained, reviewed or relied

upon when performing any business function related to the start-up of plant Vogtle after the Site Area Emergency." Id. We object to these requests to the extent they seek documents unrelated to the diesel generator reliability issue in this proceeding.

Without waiving these objections, GPC will identify and bring to each deposition those documents previously produced by GPC in this proceeding that were provided by the deponent. GPC will also ask the deponents to bring relevant portions of additional personal documents if they contain information relating to the diesel generator reliability issue in this proceeding.

Respectfully submitted,



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Counsel for Georgia Power Company

Dated: July 1, 1994

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USNRC

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GEORGIA POWER COMPANY,
et al.

(Vogtle Electric Generating
Plant, Units 1 and 2)

Re: License Amendment
(Transfer to Southern
Nuclear)

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

I hereby certify that copies of "Georgia Power Company's Objections to Document Requests in Intervenor's Notice of Deposition," dated July 1, 1994, were served by deposit in the U.S. Mail, first class, postage prepaid, or where indicated by an asterisk by hand delivery, upon the persons listed on the attached service list, this first day of July, 1994.

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David Lewis

Dated: July 1, 1994

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