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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATOR COMMISSION

'94 JUL 25 A11:44

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

GEORGIA POWER COMPANY'S MOTION TO COMPEL  
AFFIDAVIT IN SUPPORT OF  
INTERVENOR'S RESPONSE TO REQUEST FOR ADMISSIONS

At the prehearing conference on May 26, 1994, Intervenor agreed to respond to Georgia Power Company's proposed stipulations on diesel generator issues as a request for admissions. Tr. 401.<sup>1</sup> These proposed stipulations had been provided to Intervenor on March 1, 1994. Intervenor's agreement to treat the stipulations as a request for admissions was confirmed in a letter dated May 27, 1994, from D. Lewis to M. Kohn.

On July 7, 1994, Intervenor, Allen Mosbaugh, filed Intervenor's Response to Licensee's Request for Admissions. 10 C.F.R. § 2.742(b) requires that a party responding to a request for admissions provide a sworn statement in support of each denial or claimed inability to respond. No such sworn statement from Mr.

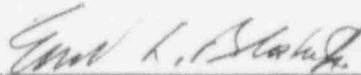
<sup>1</sup>The agreement was part of a larger settlement of discovery scheduling disputes and was a factor in GPC's agreement to undertake the mammoth effort of reviewing and admitting or denying the numbered paragraphs in the OI report.

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PDR ADOCK 05000424  
G PDR

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Mosbaugh has been provided. GPC has asked Intervenor's counsel to provide an affidavit from Mr. Mosbaugh, but this request has gone unanswered. Accordingly, GPC moves the Board to require Mr. Mosbaugh to provide an affidavit affirming each denial and each claim of inability to respond.

Respectfully submitted,



Ernest L. Blake, Jr.  
David R. Lewis

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Counsel for Georgia Power Company

Dated: July 22, 1994

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CERTIFICATE OF SERVICE

I hereby certify that copies of Georgia Power Company's Motion to Compel Affidavit in Support of Intervenor's Response to Request for Admissions, dated July 22, 1994, were served by express mail upon the persons listed on the attached service list this 22nd day of July, 1994.

  
Thomas L. Penland, Jr.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE 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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