

15631
DOCKETED
USNRC

August 24, 1994

'94 AUG 25 P5:28
UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION SECRETARY

DOCKETING & SERVICE
Before the Atomic Safety and Licensing Board

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 FOR SUMMARY DISPOSITION
OF INTERVENOR'S ILLEGAL TRANSFER OF LICENSES ALLEGATION

Pursuant to 10 C.F.R. § 2.749, Georgia Power Company ("GPC") hereby moves the Atomic Safety and Licensing Board for summary disposition in favor of GPC regarding Intervenor's allegation of an illegal transfer of the Plant Vogtle operating licenses. GPC submits that there is no genuine issue of material fact to be heard and that GPC is entitled to a decision in its favor as a matter of law. The gravamen of Intervenor's contention is that in the 1988-1990 time frame GPC relinquished control over the operation of Plant Vogtle to Mr. Joseph M. Farley, then an executive of GPC's parent, The Southern Company, and of Southern Company Services, Inc. ("SCS"). Intervenor has no direct evidence in support of this claim, but relies entirely on the hearsay of others, and, in some instances, on rank speculation.

DS03

In support of this motion, GPC relies upon the following^{1/}:

- Georgia Power Company's Statement of Material Facts as to Which There is No Genuine Issue to be Heard Regarding Intervenor's Illegal Transfer of Licenses Allegation;
- Affidavit of W. George Hairston, III ("Hairston Aff.");
- Affidavit of Joseph M. Farley ("Farley Aff.");
- Affidavit of Stephen H. Chesnut ("Chesnut Aff.");
- Affidavit of A. W. Dahlberg ("Dahlberg Aff.");
- Deposition of Marvin B. Hobby taken on April 9, 1994 ("Hobby Dep.");
- Deposition of Allen L. Mosbaugh taken on April 7, 1994 ("Mosbaugh Dep.");
- Deposition of Charles K. McCoy taken on April 6, 1994 ("McCoy Dep.");
- Deposition of A.W. Dahlberg taken on April 6, 1994 ("Dahlberg 4/6/94 Dep.");
- Deposition of A.W. Dahlberg taken on June 10, 1994 ("Dahlberg 6/10/94 Dep.");
- Deposition of Edward L. Addison taken on June 9, 1994 ("Addison Dep.");

^{1/} GPC cites throughout this Motion information contained in the documents listed. In order to aid the Board in its review, GPC has enclosed copies of these documents, in full or in pertinent part, not previously provided to the Board in GPC's "Appendix In Support of GPC's Motion For Summary Disposition of Intervenor's Illegal Transfer of Licenses Allegation."

- Deposition of Jeff Wallace taken on June 13, 1994 ("Wallace Dep.");
- Deposition of Joseph M. Farley in Hobby v. Georgia Power, Dept. of Labor Case No. 90-ERA-30 ("Hobby v. GPC") taken on May 7, 1990 ("Farley DOL Dep.");
- Deposition of William R. Evans in Hobby v. GPC taken on August 23, 1990 ("Evans DOL Dep.");
- Deposition of Lee B. Glenn in Hobby v. GPC taken on August 23, 1990 ("Glenn DOL Dep.");
- Deposition of A.W. Dahlberg in Hobby v. GPC taken on May 8, 1990 ("Dahlberg DOL Dep.");
- Trial testimony in Hobby v. GPC ("DOL Tr.");
- Deposition of R.P. McDonald in Hobby v. GPC, taken on May 7, 1990 ("McDonald 5/7/90 DOL Dep.");
- Deposition of R.P. McDonald in Hobby v. GPC, taken on August 23, 1990 ("McDonald 8/23/90 DOL Dep."); and
- Joint stipulations among the parties relating to the allegations of illegal license transfer (see letter from John Lamberski to the Licensing Board, dated August 1, 1994; hereinafter "Stip.").

In addition, GPC has enclosed two accompanying documents in support of this Motion. First, pursuant to 10 C.F.R. § 2.749(a), GPC has enclosed a document entitled, "Georgia Power Company's Statement of Material Facts as to Which There is No Genuine Issue to be Heard Regarding Intervenor's Illegal Transfer of Licenses Allegation." This document provides a short and concise state-

ment of the material facts as to which GPC contends there is no genuine issue to be heard. Second, pursuant to the Board's Memorandum and Order (Good Cause for Illegal License Transfer Discovery; Board Concerns), LBP-94-16, 39 N.R.C. 257 (May 25, 1994), GPC has enclosed a document entitled, "Georgia Power Company's Response to The Board's Questions Concerning The Illegal License Transfer Issue." This document provides a direct response to certain questions posed by the Board for which answers have been determined to be necessary for an adequate record.

I. PROCEDURAL BACKGROUND

By Memorandum and Order (Admitting a Party), dated February 18, 1993, the Licensing Board, among other things, admitted Intervenor Allen L. Mosbaugh as a party to this case and admitted the following reconstituted contention:

The license to operate the Vogtle Electric Generating Plant, Units 1 and 2, should not be transferred to Southern Nuclear Operating Company, Inc., because it lacks the requisite character, competence, and integrity, as well as the necessary candor, truthfulness, and willingness to abide by regulatory requirements.

Georgia Power Company (Vogtle Electric Generating Plant, Units 1 and 2), LBP-93-5, 37 N.R.C. 96, 110 (1993). One of the admitted bases for this contention alleges that the formation of Southern Nuclear's relationship to Vogtle violated NRC regulations, evidencing a lack of trustworthy character in Southern Nuclear. Id. at 103. In this regard, Intervenor alleged that 10 C.F.R. § 50.54(c) (a "non-alienation" requirement) and § 50.34(b)(6)(i)

(an operating license application requirement) were violated by establishment of a de facto Board of Directors called the SONOPCO project. Mr. Joseph Farley is alleged have been the Chairman of that Board and reported directly to the Board of Southern Company about Georgia Power Company's nuclear units. Id. Intervenor further alleges that Mr. Farley jointly served, with Mr. R. P. McDonald, as chief executive of the project, and worked closely with the SONOPCO Technical Services' Vice President. Mr. McDonald is alleged to have given contradictory and misleading testimony about the management structure and formation of SONOPCO and Georgia Power's Senior Executive Vice President allegedly testified that he thought Mr. Farley was an officer of Georgia Power. Id.

The evidence cited in the Amended Petition in support of these allegations was the same as incorporated into Intervenor's and Mr. Marvin B. Hobby's Section 2.206 petitions, dated September 11, 1990 and July 8, 1991, filed with the NRC.^{2/} See Amendments to Petition to Intervene and Request for Hearing, dated December 9, 1992 (hereinafter "Amended Petition"), at 5-13. This evidence was primarily based on selected portions of transcripts of deposition and trial testimony and certain trial exhibits from Hobby v. GPC.

^{2/} The Licensing Board's Memorandum and Order (Georgia Power Motion to Reconsider Scope of Proceeding), LBP-93-21, 38 N.R.C. 143, dated September 24, 1993, ruled that Intervenor incorporated by reference those portions of its Section 2.206 petitions which "were relevant to [Intervenor's] discussions of his contention in his Amended Petition." LBP-93-21, 38 N.R.C. at 150.

Discovery on the alleged illegal license transfer issue has now been completed and consists of the following: three sets of requests for production of documents, four sets of interrogatories, and twenty depositions.^{3/}

II. LEGAL STANDARDS FOR SUMMARY DISPOSITION

The admission of a contention for adjudication in a licensing proceeding under the standards enunciated in 10 C.F.R. § 2.714 does not constitute an evaluation of the merits of that contention. Instead, such a ruling reflects merely the determination that the contention satisfies the criteria of specificity, asserted basis, and relevance. The admission of a contention also does not dictate that a hearing be held on the issues raised. Section 2.749(a) of the NRC's Rules of Practice authorizes a licensing board to grant a party to the proceeding summary disposition of an admitted contention without proceeding to hearing.

That section provides:

Any party to a proceeding may move, with or without supporting affidavits, for a decision by the presiding officer in that party's favor as to all or any part of the matters involved in the proceeding.

^{3/} Eighteen of these depositions were taken by Intervenor. To date, Intervenor has elected to have only seven of the depositions transcribed (Messrs. Addison, Dahlberg, Scherer, McCoy, Long, Baker and Wallace).

10 C.F.R. § 2.749(a). Delineating the standard to be applied by a licensing board in ruling upon such a motion, that section further states:

The presiding officer shall render the decision sought if the filings in the proceeding, depositions, answers to interrogatories, and admissions on file, together with the statements of the parties and the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision as a matter of law.

10 C.F.R. § 2.749(d).⁴

10 C.F.R. § 2.749 also provides, as do the Federal Rules of Civil Procedure, that where a motion for summary disposition is properly supported, a party opposing the motion may not rest upon the mere allegations or denials of its answer. 10 C.F.R. § 2.749(b). Compare Fed. R. Civ. P. 56(c). "The asserted facts must be material and of a substantial nature, not fanciful or merely suspicious. A party cannot go to trial on the vague supposition that 'something may turn up,' or on the mere hope that on cross-examination the movant's evidence will somehow be discredited." Texas Utilities Generating Company (Comanche Peak Steam Electric Station, Units 1 and 2), LBP-82-17, 15 N.R.C. 593, 595-96 (1982). Where the movant has made a proper showing for summary disposition and has supported his motion by affidavit,

⁴ 10 C.F.R. § 2.749 is patterned after Fed. R. Civ. P. 56, and its standards are the same. Accordingly, recourse to federal case law to interpret the standards under the Commission's rule is appropriate. Tennessee Valley Authority (Hartsville Nuclear Plant, Units 1A, 2A, 1B and 2B), ALAB-554, 10 N.R.C. 15, 20 n.17 (1979); Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB-182, 7 A.E.C. 210, 217 (1974).

the opposing party must proffer countering evidentiary material or an affidavit explaining why it is impractical to do so.

Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), LBP-83-32A, 17 N.R.C. 1170, 1174 n.4 (1983), citing Adickes v. Kress & Co., 398 U.S. 144, 160-61, (1970).

The use of summary disposition has been encouraged by the Commission and the Appeal Board to avoid unnecessary hearings on contentions for which an intervenor has failed to establish the existence of a genuine issue of material fact. E.g., Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 NRC 452, 457 (1981) and Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 550-551 (1980). A material fact is one that may affect the outcome of the litigation. Mutual Fund Investors, Inc. v. Putnam Management Co., 553 F.2d 620, 624 (9th Cir. 1977).

Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Units 1 and 2), LBP-82-114, 16 N.R.C. 1909, 1911 (1982).

The regulations do not require merely the showing of a "material issue of fact" or an "issue of fact." They require a genuine issue of material fact. To be genuine, we believe the factual record, considered in its entirety, must be enough in doubt so that there is a reason to hold a hearing to resolve the issue.

Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Units 1 and 2), LBP-83-46, 18 N.R.C. 218, 223 (1983).

III. LEGAL STANDARDS APPLICABLE TO THE ILLEGAL LICENSE TRANSFER ALLEGATION

The Board's February 18, 1993, Memorandum and Order (Admitting a Party), LBP-93-5, 37 N.R.C. 96, found that the legal basis

for Intervenor's illegal license transfer allegation was 10 C.F.R. § 50.54(c), which reads:

Neither the license, nor any right thereunder . . . shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the act and give its consent in writing.

LBP-93-5, supra, 37 N.R.C. at 102. The Board also noted that Intervenor cited 10 C.F.R. § 50.34(b)(6)(i), which requires the NRC to be informed about "[t]he applicant's organizational structure, allocation of responsibilities and authorities, and personnel qualifications requirement." Id. at 102-03.

IV. STATEMENT OF FACTS

The Southern Company is the parent firm of several electric utilities, including GPC and Alabama Power Company ("APC"). GPC is the licensed operator of the Vogtle and Hatch nuclear plants in Georgia. APC owns the Farley nuclear plant in Alabama. (Stip. ¶ 1). The Southern Company is also the parent firm of Southern Company Services, Inc. ("SCS"), which has at times provided support services to GPC and APC in connection with the operation of their nuclear plants. (Stip. ¶ 2).

In 1987, a task force of GPC and APC personnel recommended the formation of Southern Nuclear. It was envisioned that Southern Nuclear would be the repository of the Southern System's collective nuclear expertise, thereby maximizing the safe and efficient operation of the System's nuclear plants. (Stip. ¶ 3).

Because co-owner and regulatory approvals were required to form Southern Nuclear, the formation and transfer of responsibility to Southern Nuclear was divided into three phases,^{2/} as follows:

A. In Phase I, Southern System corporate nuclear support personnel from GPC, APC and SCS, other than nuclear plant personnel, were consolidated into a central project organization referred to as the "SONOPCO Project". All personnel remained employees of (or transferred among) GPC, APC or SCS. (Hairston Aff. ¶ 6).

B. In Phase II, after approval by the Securities and Exchange Commission ("SEC"), Southern Nuclear was incorporated as a wholly-owned subsidiary of The Southern Company. SONOPCO Project personnel were transferred to the payroll of Southern Nuclear. However, all GPC and APC officers retained their positions and responsibilities and ultimately report to the presidents of GPC and APC respectively, with respect to plant operations and all matters concerning GPC and APC personnel, such that the NRC operating license holders always retain management control over licensed activities. (Hairston Aff. ¶ 6).

C. In Phase III, which is in effect with respect to Plant Farley, and which is pending NRC approval with respect to Plants Hatch and Vogtle, the NRC operating licenses for Plants Hatch and

^{2/} A phased approach to the formation of an operating company had been used by other nuclear plant owners with the approval of the NRC. See Georgia Power Company's Brief in Response to the Board's January 15, 1993 Request for Information (February 4, 1993), citing Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), LBP-81-32, 14 N.R.C. 381, 403-05 (1981). (Hairston Aff. ¶ 6).

Vogtle are amended to designate Southern Nuclear as the exclusive operating licensee of each plant. GPC and APC remain on their respective licenses as licensed owners. No changes occur in the ownership of, or entitlement to power output from, the plants. All plant personnel and all GPC and APC officers with responsibilities for nuclear operations become employees of Southern Nuclear. Southern Nuclear operates the plants in accordance with the NRC operating licenses and pursuant to agreements entered into with the plants' owners. (Hairston Aff. ¶ 6).

On May 18, 1988, The Southern Company Board of Directors, the APC Board of Directors, and the GPC Board of Directors passed resolutions authorizing the eventual formation of Southern Nuclear. Thereafter, in June 1988, The Southern Company filed an application with the SEC to form Southern Nuclear as a wholly-owned subsidiary. Phase I began on or about November 1, 1988, when the GPC, APC and SCS personnel who would be working within the SONOPCO Project were physically consolidated in a single location in Birmingham, Alabama. (Hairston Aff. ¶¶ 10-12, 14). Because of unexpected delays in receiving approval from the SEC, Southern Nuclear was not incorporated until the end of 1990, and Phase II of the formation of Southern Nuclear did not go into effect until January 1, 1991. (Hairston Aff. ¶¶ 18-19). On September 18, 1992, GPC submitted to the NRC an application to amend the Plant Vogtle^{2/} operating licenses designating Southern

^{2/} This application also sought to designate Southern Nuclear as the exclusive operating licensee of Plant Hatch. No action has been taken by the NRC on the application with respect to Plant

Nuclear as the exclusive operating licensee of the plant.^{7/}
(Stip. ¶ 28). GPC and SONOPCO Project personnel met repeatedly with representatives of the NRC to keep them abreast of all events pertaining to the phased formation of SONOPCO. NRC representatives also conducted site inspections of the offices in Birmingham to ensure compliance with NRC regulatory requirements. (Stip. ¶¶ 5, 6, 10, 14, 15, 16, 21, 25 and 29; Hairston Aff. ¶ 7).

At all times relevant herein,^{8/} the senior executor officer of GPC in charge of nuclear operations was Mr. R. Patrick McDonald. Mr. McDonald was elected Executive Vice President - Nuclear Operations of GPC, effective April 25, 1988.^{9/} Mr. McDonald reported to Mr. Robert W. Scherer, GPC's Chief Executive Officer, until December 1988, when Mr. McDonald began reporting to Mr. A.

Hatch.

^{7/} On May 5, 1991, APC submitted to the NRC an application to amend the Plant Farley operating license to designate Southern Nuclear as the exclusive operating licensee of Plant Farley. (Stip. ¶ 23). The NRC issued an amendment to the Plant Farley operating license designating Southern Nuclear as the exclusive operating licensee of Plant Farley on November 22, 1991 and Phase III went into effect for Plant Farley at that time. The Southern Nuclear organization approved by the NRC to operate Plant Farley is the same organization which GPC seeks to designate as the exclusive operator of Plant Vogtle. (Hairston Aff. ¶ 22).

^{8/} Most of the factual allegations by Intervenor relate to the time period prior to 1990, while Mr. Marvin Hobby was an employee of GPC.

^{9/} When Phase II began, Mr. McDonald also was elected Executive Vice President of Southern Nuclear and, on May 21, 1991, was elected President of Southern Nuclear and held that position until his retirement on June 1, 1993. (Hairston Aff. ¶¶ 21, 25).

W. ("Bill") Dahlberg, who succeeded Mr. Scherer as GPC's CEO.
(Hairston Aff. ¶ 9).

Directly reporting to Mr. McDonald was Mr. W. George Hairston, III, who occupied the position of Senior Vice President - Nuclear Operations of GPC. Directly reporting to Mr. Hairston was Mr. C. Kenneth McCoy, who held the position of Vice President - Nuclear of GPC and was responsible for day-to-day operations of Plant Vogtle. (Hairston Aff. ¶ 10).

At the time of his election as an officer of GPC, Mr. McDonald was already the senior officer of APC in charge of nuclear operations. Mr. McDonald entered into an Agreement for Shared Employment between himself and GPC and APC which provided, in part, that as an employee of GPC, Mr. McDonald "shall devote his time, attention and energies in the performance of the duties designated by GPC, and will, during such time, be under the sole supervision, direction and control of GPC." Mr. Hairston also served as an officer of both GPC and APC and entered an Agreement of Shared Employment identical to Mr. McDonald's. (Hairston Aff. ¶ 11; Stip. ¶ 9 (and Ex. 7)).

From April 25, 1988 until his retirement on June 1, 1993, Mr. McDonald reported directly to either Mr. Scherer or Mr. Dahlberg. Mr. McDonald received all of his management direction regarding the operation of plants Hatch and Vogtle during that time period from either Mr. Scherer or Mr. Dahlberg. During the time he reported to Mr. Dahlberg, Mr. McDonald spoke with Mr. Dahlberg on almost a daily basis regarding the plants. Mr.

Farley¹⁰ did not provide any management direction to Mr. McDonald regarding the operations of plants Hatch and Vogtle. (McCoy Dep. at 62-67; Dahlberg Aff. ¶ 3; Dahlberg 4/6/94 Dep. at 20-27; Dahlberg 6/10/94 Dep. at 43-45; Dahlberg DOL Dep. at 18-20; Farley DOL Dep. at 34-38; Farley Aff. ¶ 9; Hairston Aff. ¶ 33; DOL Tr. at 304-09, 324, 567-68, 602-04, 608, 613-14, 631, 648-49, 657, 675-76, 683-84; Stip. ¶¶ 41, 52).

V. ARGUMENT

Intervenor's contention is that Mr. Farley, rather than Mr. Dahlberg, was responsible for the day-to-day operations of Plant Vogtle. (Mosbaugh Dep. at 14). Similarly, Marvin Hobby, upon whom Mr. Mosbaugh relies for much of the evidentiary support for this contention, claims that "Mr. McDonald was receiving his management direction from Mr. Farley rather than Mr. Dahlberg." (Hobby Dep. at 25). Remarkably, this contention is not based upon the personal knowledge of either accuser.¹¹ Mr. Hobby freely admits he does not have personal knowledge of a single instance in which Mr. McDonald received his management direction from Mr. Farley with respect to the operations of the Vogtle

¹⁰ Mr. Farley was elected Executive Vice-President - Nuclear of The Southern Company and Executive Vice President of SCS in March 1989. Prior to that time, he was President of APC. Mr. Farley was elected President of Southern Nuclear in January 1991 and held various executive positions with that company until his retirement from the Southern System on November 1, 1992. (Hairston Aff. ¶¶ 15, 19, 21, 23, 24).

¹¹ This is not surprising, as Mr. Hobby visited the Birmingham offices infrequently and Mr. Mosbaugh was never in those offices. (Hobby Dep. at 151; Mosbaugh Dep. at 87; Stip. ¶¶ 39, 57).

Plant. (Hobby Dep. at 50; Stip. ¶ 41(d)). Similarly, when asked to explain the factual basis for his contention that Mr. Dahlberg was not in charge, Mr. Mosbaugh relied entirely upon the hearsay statements of others. (Mosbaugh Dep. at 14-30; Stip. ¶ 57). Such hearsay and speculation is not sufficient to raise a genuine issue of fact as to whether responsibility over licensed activities was ceded to Mr. Farley.

Farley's Involvement in GPC
Personnel Matters is Not Evidence of Control.

Mr. Hobby contends that Mr. Farley was involved in deciding whether certain individuals could interview for or accept positions within GPC. One such situation allegedly involved employees at Plant Hatch who wished to transfer to another position in GPC's Vidalia District. Mr. Hobby claims that he was told by Lee Glenn and/or Bill Evans, both of whom worked in the GPC Corporate Concerns Program, that Grady Baker had said Mr. Farley "would make the decision about whether Georgia Power [employees] could transfer." (Hobby Dep. at 65-68, 66). Another example involved Mr. Hobby's desire to hire Michael Barker as a performance engineer for Mr. Hobby's Nuclear Operations Contract Administration Group ("NOCA"). According to Mr. Hobby, "Mr. Dahlberg would not allow three engineers from Georgia Power company in the SONOPCO Project to interview for this job." (Hobby Dep. at 68). Later, after discussing his frustration over the situation with Mr. Evans and Mr. Glenn, he was told that "Mr. Farley would make the call as to whether or not I could interview Georgia Power [C]omp-

any people [at] SONOPCO to come into my available position."
(Hobby Dep. at 69).

Mr. Glenn's and Mr. Evans' statements are not probative evidence because they are not based upon personal knowledge but on hearsay information.^{12/} Mr. Evans recalls talking to Mr. Hobby but admits that he never talked to Mr. Baker. (Evans DOL Dep. at 17). Instead, Mr. Evans' "understanding" was based on the fact that "Lee [Glenn] told me he thought that Mr. Baker was going to talk to Joe Farley. I never did hear whether or not he did or not." (Id. at 16). Mr. Glenn also admits to having an "understanding" that the matter was to be discussed with Mr. Farley, "but I was not involved in that conversation and don't recall getting any specific feedback on who exactly was talked to." (Glenn DOL Dep. at 16).^{13/} Thus, Intervenor's only "evi-

^{12/} A hearsay statement of an agent is not admissible against the principal unless the statement concerns a matter within the scope of the agency and is made during the existence of the relationship. See Fed.R.Evid. 801(d)(2)(D). It is undisputed that Mr. Glenn and Mr. Evans were not involved in making any of the employment decisions at issue.

^{13/} At another point in his deposition, Mr. Glenn said: "I don't have a specific recollection on who Mr. Baker said was involved and it is a vague recollection that he mentioned that they were going to address it with Mr. Farley." (Glenn DOL Dep. at 34). During the Department of Labor trial, Mr. Glenn's recollection was even more vague:

Q. And who did [Mr. Baker] tell you that he would meet with if you recall?

A. I really don't specifically recall. To the best of my recollection it was he and Mr. Dahlberg with a senior officer in SONOPCO.

(DOL Tr. at 522-23).

dence" that Mr. Farley was involved in this matter is based upon the vague and attenuated recollections of Mr. Evans and Mr. Glenn, both of whom were relying upon hearsay information themselves. Such "evidence" is not sufficient to raise a genuine issue of fact for trial.

Mr. Farley clearly testified that he did not make decisions with respect to the possible transfer of GPC personnel working within the SONOPCO Project; rather, Mr. Dahlberg made those decisions. (DOL Tr. at 587-88, 598; Farley Aff. ¶ 9). With particular regard to Mr. Barker's interest in transferring from Birmingham to NOCA in Atlanta, Mr. Barker testified that the transfer was stopped because Mr. Dahlberg determined there was not a need for the NOCA group. (DOL Tr. at 908-12; See also Dahlberg 4/6/94 Dep. at 63-64). Mr. Hobby admits that he has no reason to doubt this testimony. (Hobby Dep. at 70-72).

The second personnel matter Mr. Farley was allegedly involved in concerns his visits to Plants Hatch and Vogtle to discuss changes in Southern System policy related to the performance incentive plan. Mr. Mosbaugh was told that Mr. Farley supposedly "talked in generalities about SONOPCO and the SONOPCO organization and his vision of that and then [he] got into the pay-for-performance plan that was being instituted" (Mosbaugh Dep. at 25). Mr. Hobby also testified that he had been notified of this visit by representatives of the co-owners of the plants. (Hobby Dep. at 33-34). Interestingly, Intervenor's

counsel did not choose to question Mr. Farley regarding these visits during his deposition in the instant proceeding.

These visits are irrelevant to the issue of whether licensed activities at Plant Vogtle were directed by Mr. Farley. The fact that Mr. Farley (as the anticipated CEO of Southern Nuclear) may have discussed his "vision" of SONOPCO with GPC employees is not improper. Nor was it inappropriate for Mr. Farley to discuss system-wide changes in the manner by which employees at GPC (and at all other subsidiary companies) would receive performance incentive pay. (Farley Aff. ¶ 8) Mr. Farley eschewed any involvement whatsoever in the licensed activities at Plants Hatch and Vogtle. (DOL Tr. at 567-68, 596; Farley Aff. ¶ 8).

Finally, Intervenor contends that Mr. Farley should not have participated in the selection of certain GPC corporate officers who would be working within the SONOPCO Project, particularly Ken McCoy. It is true that Mr. Farley discussed with Pat McDonald the selection of Mr. McCoy as Vice President of GPC. However, as Mr. McDonald has made clear, Mr. Farley's experience in nuclear industry matters was valuable in assisting GPC management in making such personnel decisions. (McDonald DOL 5/7/90 Dep. at 14). In fact, such assistance fell squarely within Mr. Farley's duties as Executive Vice President-Nuclear of The Southern Company. (DOL Tr. at 565-66). Nevertheless, Mr. Farley did not exercise decision-making authority over personnel who were GPC employees. In every instance concerning a GPC employee, the final decision was made or approved by GPC management and all

officers were elected by the GPC Board of Directors. (DOL Tr. at 594-95; McDonald 5/7/90 DOL Dep. at 14-16; McDonald 8/23/90 DOL Dep. at 25-28; see, e.g., Stip. ¶ 8; see also Hairston Aff. ¶ 33; Farley Aff. ¶ 9).

In conclusion, the fact that Mr. Farley may have been consulted in personnel matters cannot be equated to control over licensed activities. As the NRC Staff has already concluded:

Mr. Farley was Executive Vice President-Nuclear of The Southern Company (parent company of APC, GPC and Southern Company Services) and was expected to become President and CEO of the SONOPCO project upon its formation. Therefore, his involvement in personnel decisions for employees transferring into or out of the SONOPCO project is not unreasonable. Further, Mr. Farley's consultation with GPC on other GPC employees does not conflict with any NRC requirements.

Partial Director's Decision under 10 C.F.R. § 2.206, DD-93-8, 37 N.R.C. 314, 322, vacated, CLI 93-15, 38 N.R.C. 1 (1993).

Farley's Role in the Formation
of Southern Nuclear Was Entirely Proper.

In his Amended Petition, Intervenor makes much of the fact that Mr. Farley was asked by Mr. Addison to devote a portion of his time to guiding the formation of Southern Nuclear. This is certainly true, as Mr. Farley's leadership and insights were considered, from the very outset, to be of "immeasurable value." (Stip. ¶ 11 (and Exhibit 10)). Once Mr. Farley became Executive Vice President of SCS, contractual arrangements were formalized to ensure that Mr. Farley's role in heading up the formation of Southern Nuclear would continue. In that agreement, his role was

described as providing services related to the anticipated transfer of nuclear operating and support activities from GPC to Southern Nuclear in compliance with applicable regulatory requirements, and for nuclear support on an industry basis. (Hairston Aff. ¶ 16). Mr. Farley's responsibilities in this regard were no secret to anyone. Mr. Addison described Mr. Farley's role in the formation of Southern Nuclear to employees of GPC, APC and SCS in an informational memorandum issued on September 21, 1988. Mr. Farley also met with representatives of the NRC regarding the formation of Southern Nuclear. (Hairston Aff. ¶¶ 13, 17; Stip. ¶ 11 (and Ex. 10)).

But Mr. Farley's involvement in regulatory and administrative matters pertaining to the formation of Southern Nuclear does not equate to control over licensed activities. As was noted previously, Mr. Farley had no involvement whatsoever in directing the day-to-day operations of GPC's nuclear plants. (DOL Tr. at 567-68; 596; Farley Aff. ¶ 9). Those activities were the responsibility of GPC officers and employees, all of whom reported up the line to Mr. Dahlberg. (DOL Tr. at 304-09, 324, 567-68, 602-04, 608, 613-14, 631, 648-49, 657, 675-76, 683-84; Stip. ¶¶ 41, 52).

Intervenor also references in the Amended Petition the fact that Mr. McDonald "reported" to Mr. Farley as to certain matters. However, in the testimony cited by Intervenor, Mr. Farley clearly explains that Mr. McDonald reported to him only regarding certain administrative and governmental affairs matters. This informal

reporting relationship with Mr. McDonald did not relate to the operation of the nuclear plants themselves. (Farley DOL Dep. at 13-14).

Finally, Intervenor claims in his Amended Petition that, prior to the incorporation of Southern Nuclear, Mr. Farley convened a "Board of Directors" which met regularly and operated as if Southern Nuclear had been incorporated. As Mr. Farley explains, he kept the chief executive officers of the other operating companies informed regarding The Southern Company's efforts to form Southern Nuclear through reports made at meetings of The Southern Company Board and The Southern Company Management Council.^{14/} However, there was no Board of Directors prior to the incorporation of Southern Nuclear. (Farley Aff. ¶ 6).

Mr. Dahlberg testified that there was a prevailing assumption within The Southern Company as to who would be on the Board of Directors of Southern Nuclear, once it was incorporated: "I think most of the members would have been known. In fact, there wouldn't be much surprise about that. . . . [T]he members that ended up as part of the SONOPCO Board were the senior managers, if you will, at our operating compan[ies]." (Dahlberg 4/6/94 Dep. at 66). However, prior to the incorporation of Southern Nuclear, these "senior managers" met as executives of their

^{14/} Nor was there anything improper about the fact that Mr. Farley, as Executive Vice President-Nuclear for The Southern Company, reported to The Southern Company Board of Directors regarding GPC's nuclear plants. (Farley Aff. ¶ 3). The mere reporting of information about the plants is not the same as control over their operations.

operating companies, not as a Board of Directors of Southern Nuclear.^{15/} "The group met as executives would from all of the subsidiary companies to discuss an agenda of items. One of the agenda items from time to time would have related to SONOPCO, not exclusively on SONOPCO, not exclusively on the project, but among the decisions that senior executives of the entire system would have made, those decisions would have been included in the normal course of business." (Dahlberg 4/6/94 Dep. at 69-70; see also Dahlberg DOL Dep. at 66-69). It is not a violation of NRC regulations for the officers of the operating companies whose plants might some day be operated by Southern Nuclear to meet and discuss, among other topics of common interest, the formation of that company. Even Mr. Hobby does not contend that it was improper to discuss that subject. (Hobby Dep. at 134-36).

Mr. Farley Did not Establish The Outage Philosophy
for GPC's Nuclear Plants. Nor Was He Part Of
the Duty Reporting Chain of Command.

One of the factual bases for Intervenor's contention that there has been an illegal transfer of control over licensed activities is the statement by Mr. McCoy at a meeting in August, 1990 that he had discussed outage philosophy with Mr. Farley. Mr. Mosbaugh's transcription of that conversation is as follows:

^{15/} Some reference has been made to such meetings as SONOPCO "board" meetings; however, the Board of Directors was not formed, and hence there were no meetings of the Board, prior to the incorporation of SONOPCO. (Dahlberg 6/10/94 Dep. at 65-72; Addison Dep. at 114-15; Dahlberg Aff. ¶ 5).

".....There's been some discussions in some of the other plants of SONOPCO that were (sic) not adhearing (sic) to this and so we had some discussion at the highest levels including Mr. Farley, McDonald, Harriston (sic) and the 3 VP's about our scheduling philosophy for outages...."

(Mosbaugh Dep. Ex. 3). It is significant that Mr. Mosbaugh does not contend that any discussion of the outage philosophy between Mr. McCoy and Mr. Farley illustrates that Mr. Farley determined that philosophy.¹⁹ Mr. Mosbaugh further admits that it was not improper for Mr. McCoy to seek the advice of anyone on that subject. (Mosbaugh Dep. at 51).

Instead, Mr. Mosbaugh's contention is that the quoted comment illustrates that Mr. Farley was in the reporting chain of command for Plant Vogtle.

"... and I interpret what he said to indicate that the Farley, McDonald, Hairston to the VP McCoy chain is the highest level reporting chain."

(Mosbaugh Dep. at 51). Mr. Mosbaugh's inference is simply wrong. All Mr. McCoy said is that the subject of outage philosophy had been discussed with Mr. Farley. He made no statement that Mr. Farley was in the reporting chain of command. Mr. McCoy emphatically denied in his deposition that Mr. Farley was ever involved

¹⁹ Mr. Farley categorically denies any involvement in operational matters at Plant Vogtle, but particularly with respect to the establishment of outage philosophy. (Farley Aff. ¶ 7).

in decisions regarding the operation of Plant Vogtle. (McCoy Dep. at 62-64).^{17/}

Another basis for Intervenor's contention that Mr. Farley was in control of licensed activities is founded on the hearsay statements of Stephen H. Chesnut, a GPC employee who told Mosbaugh that Mr. Farley was called "a lot" as a part of the duty reporting chain at Plant Vogtle. (Mosbaugh Dep. at 17-18). Mr. Mosbaugh recorded this conversation and prepared a transcript of it. (Mosbaugh Dep. Ex. 1). As is the case with most hearsay statements by individuals who are not directly involved, this comment by Mr. Chesnut proved to be totally without foundation. Mr. McCoy testified:

- Q. As you read this, did you understand that Mr. Chesnut was indicating that he was aware that there were a lot of phone calls being made to Mr. Farley about the operation of the Plant?
- A. I read it that he was speculating that that was the case. I don't think he knew. He was not in a position to know who was called. I don't know how he drew those conclusions, but they're in error.

(McCoy Dep. at 62-63). Mr. Chesnut admitted that his comments to Mr. Mosbaugh were made without any personal knowledge whatsoever. These comments were made in casual conversation and Mr. Chesnut was merely speculating. He has no knowledge or information of

^{17/} Mr. McCoy testified that either Mr. Hairston or Mr. McDonald contacted Mr. Dahlberg on a daily basis to give him a status report on Plant Vogtle. If Mr. Hairston and Mr. McDonald were not available, Mr. McCoy called Mr. Dahlberg directly. (McCoy Dep. at 67).

any instance in which Mr. Farley gave management direction to any GPC employee regarding the operation of Plant Vogtle. (Chesnut Aff. ¶ 4).

As additional support for this argument, Mr. Mosbaugh produced a 1989 document entitled "Telephone List -- On-Call Project Manager." (Mosbaugh Dep. Ex. 2). Mr. Farley's name is listed under a heading entitled "Georgia Power Company Corporate Management," although his correct title, "Executive Vice President-Nuclear\The Southern Company," is also included. Mr. Mosbaugh contends that this document shows that Mr. Farley was in the reporting chain for Plant Vogtle. (Mosbaugh Dep. at 40). However, Mr. Mosbaugh admits he has no idea who prepared or approved the document. (Id.)

This document has no probative value. Mr. McCoy explained that it was prepared by an office clerk, and was merely a listing of telephone numbers and did not set forth the actual reporting chain in the event of an emergency or other unusual event at Plant Vogtle. (McCoy Dep. at 41-42). In such cases, the procedure at the time called for the Plant Vogtle site duty manager to contact the corporate duty manager (officially the "On-Call Project Manager" and filled by Mr. McCoy in his example), who in turn normally would call Mr. Hairston (the "executive on call" in his example). Mr. Hairston, in turn, would call Mr. McDonald, who in turn would call Mr. Dahlberg. If any individual in that chain of command was not available, the call would be placed to the next available executive in the chain. Mr. Farley was not a

part of that chain. (McCoy Dep. at 49-51). If Mr. Farley were contacted, it would be for informational purposes only. (McCoy Dep. at 50; Farley Aff. ¶¶ 3-4).

Finally, Intervenor can be expected to point to the fact that Mr. Farley held staff meetings at the SONOPCO Project offices in Birmingham as additional support for his argument. The purpose of those meetings was to facilitate the exchange of information relating to GPC's and APC's nuclear plants. However, as Mr. Farley explains, his role in those meetings was only to stay informed of developments at the nuclear plants. (Farley Aff. ¶ 3). As the senior executive of The Southern Company responsible for nuclear power, as well as the anticipated CEO of Southern Nuclear, it was incumbent upon Mr. Farley to stay informed of events occurring at these plants. (Farley Aff. ¶¶ 3-4). However, his efforts to stay abreast of developments at the plants do not equate to control over licensed activities; Mr. Farley never undertook to direct or control in any manner the day-to-day operations of GPC's nuclear plants. (Farley Aff. ¶ 7-9).

Mr. Dahlberg had not "Lost Touch"
with the Operation of GPC's Nuclear Plants.

Intervenor alleges in the Amended Petition that "GPC had lost touch with the operation of Plant Vogtle" Id. at 8. One basis for this contention, apparently, is Mr. Hobby's assertion that Mr. McDonald was openly defiant of Mr. Dahlberg. He cites three examples:

- Mr. McDonald supposedly disagreed with Mr. Dahlberg over the budgets for GPC's nuclear plants. At a meeting in the summer of 1989, Mr. McDonald allegedly said, "I don't work for Dahlberg" and that he was not bound by Mr. Dahlberg's guidelines regarding the nuclear operating budget. (Hobby Dep. at 53-56).
- Mr. McDonald questioned the necessity of the NOCA Group headed by Mr. Hobby soon after the group's formation had been announced by Mr. Dahlberg. (Hobby Dep. at 56-58). Mr. Hobby became frustrated with a perceived lack of cooperation he received from the SONOPCO Project and he attributed this lack of cooperation to Mr. McDonald's opposition to NOCA. (Hobby Dep. at 82-83).
- Although Mr. McDonald was instructed by Mr. Dahlberg in August 1989 to work on alternative performance standards in connection with a GPC rate case pending before the Georgia Public Service Commission ("PSC"), Mr. McDonald subsequently announced that he would not work on such standards. This information was allegedly related to Mr. Hobby by employees who overheard Mr. McDonald's comments. (Hobby Dep. at 63).

While these allegations, if accepted as fact, might tend to show that Mr. McDonald was insubordinate on occasion, they certainly provide no support for the contention that Mr. Farley, rather than Mr. Dahlberg, was directing the operations of Plant Vogtle.

First, as to the alleged statement by Mr. McDonald regarding Mr. Dahlberg's budgetary guidelines, Mr. Hobby admits that Mr. McDonald's statement was true: he did not work for Mr. Dahlberg and was not bound by his guidelines, because at the time Mr. McDonald reported to Mr. Scherer. Mr. Hobby also admits that Mr. McDonald did not say that he worked for Mr. Farley. (Hobby Dep. at 55-56).

Second, there is no evidence to support the suggestion that Mr. McDonald's opposition to the NOCA Group was orchestrated by Mr. Farley. Mr. Hobby believes that Mr. McDonald boldly opposed NOCA because he was "protected by Mr. Farley." But this is just speculation on Mr. Hobby's part, as he admits that no officer at GPC ever told him that Mr. Farley "protected" Mr. McDonald. (Hobby Dep. at 59-60). He also admits that he never participated in any conversation, meeting, or discussion in which Mr. Farley instructed Mr. McDonald not to cooperate with the NOCA Group. (Hobby Dep. at 85). In short, Mr. Hobby could not point to anything about Mr. McDonald's opposition to NOCA which led him to conclude that Mr. McDonald was acting on the instructions of Mr. Farley. (Hobby Dep. at 61). Of course, Mr. Dahlberg ultimately concluded on his own that the NOCA Group was not needed. (Dahlberg 4/6/94 Dep. at 19-23).

Finally, there is the matter of Mr. McDonald's work on alternative performance standards. This occurred in connection with a 1989 GPC rate case before the Georgia PSC. A PSC staff consultant had proposed a specific set of nuclear plant perfor-

mance standards. GPC, which opposed such standards, had to make a tactical decision as to whether to propose alternative standards to those suggested by the PSC consultant. Mr. Dahlberg concluded that it was inevitable that the PSC would impose standards and, therefore, to protect GPC's interest, decided that GPC should comment on the consultant's testimony and propose alternative standards. Mr. McDonald opposed this approach and voiced his opposition to Mr. Dahlberg, who considered and rejected Mr. McDonald's opinions.^{18/} Mr. Dahlberg then instructed Mr. McDonald to work on alternative performance standards, a fact that Mr. Hobby does not dispute. (Dahlberg DOL Dep. at 92-95; DOL Tr. at 336-342). There can be no inference from this event that Mr. Dahlberg was not in control; to the contrary, Mr. Hobby admits that this is an example of how Mr. McDonald received management direction from Mr. Dahlberg. (Hobby Dep. at 62-63).

Mr. Hobby's only concern is that after the decision had been made, Mr. McDonald, according to various hearsay statements, continued to state that he would not work on such standards. Of course, it is not in dispute, and indeed is a matter of public record, that such standards were prepared and filed with the Georgia PSC. (Dahlberg DOL Dep. at 92-95). Therefore, the only inference to be gleaned from Mr. Hobby's hearsay account of Mr.

^{18/} Mr. Farley also was opposed to proposing alternative standards, and volunteered his views to Mr. Dahlberg. Mr. Dahlberg rejected Mr. Farley's opinions as well. (Dahlberg 6/10/94 Dep. at 61-64).

McDonald's statement was that Mr. McDonald carried out, albeit begrudgingly, Mr. Dahlberg's instructions.

Another basis for Intervenor's contention that Mr. Dahlberg had "lost touch" with the operation of GPC's nuclear plants is the assertion that there was disagreement between Southern Company Management and Mr. Dahlberg over the 1990 GPC nuclear operating budget. Mr. Hobby claims that Jeff Wallace, a GPC employee, told him that the nuclear operating budget for 1990 was approved by Mr. Addison and The Southern Company Management Council over the objections of Mr. Dahlberg. (Hobby Dep. at 72-74).

The alleged^{19/} hearsay statements of Mr. Wallace are not admissible in the absence of any evidence that Mr. Wallace had personal knowledge of such events. Mr. Dahlberg also flatly contradicted these allegations, stating that all nuclear budgets were historically reviewed and approved by senior Georgia Power Company management; he could also not recall any disagreement with Mr. Addison over a GPC nuclear budget. (Dahlberg 4/6/94 Dep. at 27-28, 32, 34). Irrespective of whether disagreement existed within The Southern Company over nuclear budgets, however, it is clear that such matters did not involve Mr. Farley; Mr. Hobby admits that he was never told that Mr. Farley played any role in these events. (Hobby Dep. at 75).

^{19/} Mr. Wallace did not make the hearsay statements attributed to him by Mr. Hobby. To the contrary, Mr. Wallace was told by Mr. Hobby that Mr. Dahlberg disagreed with the 1990 nuclear budget. (Wallace Dep. at 14).

Oglethorpe Power's "Concern" Raises No Triable
Issue Of Fact.

Mr. Hobby has testified that Mr. Dan Smith, an Oglethorpe Power employee, expressed concern to him regarding the reporting relationship between Mr. McDonald and Mr. Dahlberg. However, no one else at Oglethorpe ever expressed that concern. (Hobby Dep. at 93-94).

On May 15, 1989, Mr. Fred Williams, Vice President of Bulk Power Markets at GPC, delivered a memo to Mr. Hobby addressing Mr. Smith's concern. (Hobby Dep. Ex. 1; Stip. ¶ 37 and Ex. 35). That memo states unambiguously that "Mr. R. P. McDonald reports to A. W. Dahlberg for operation and support activities of Plants Vogtle and Hatch." The memo further explains that Mr. Farley "provides services relating to the anticipated transfer of nuclear operations and support activities from Georgia Power Company to the Southern Nuclear Operating Company," as well as Mr. Farley's role as Executive Vice President-Nuclear. Mr. Hobby agrees that after the delivery of this memo to Mr. Smith, Mr. Smith never brought up the issue again. He also admits telling Mr. Smith at the time that the organization chart showed that Mr. McDonald reported to Mr. Dahlberg and that Mr. Hobby had no reason to believe otherwise. (Hobby Dep. at 95-96, 98; Stip. ¶ 42). In his deposition (which Intervenor did not have transcribed), Mr. Smith similarly stated that the Williams memo had "put to bed" the issue. In short, Mr. Smith's question was answered to his satisfaction.

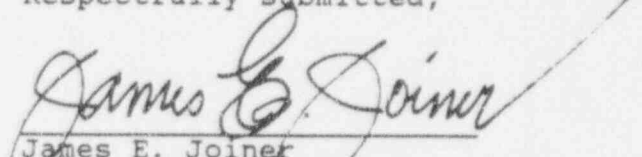
Intervenor can also be expected to point to the signature of Mr. George F. Head (who at the time was Mr. Hobby's direct supervisor) on an April 27, 1989 memo from Mr. Hobby to Mr. Williams as evidence of the fact that Mr. Head likewise had a concern over the reporting relationship. (Stip. ¶ 41(f)-(g)). Mr. Head's and Mr. Hobby's testimony regarding the circumstances under which the memo was signed are in dispute.²⁹ Nonetheless, the memo does not reflect Mr. Head's agreement with a concern over the reporting relationship but only that a concern had been raised by Oglethorpe and perhaps others. (Stip. ¶ 41(g)). Mr. Head has previously testified without equivocation that Mr. McDonald reported to Mr. Dahlberg and did not report to Mr. Farley. (DOL Tr. at 648-50).

²⁹ Mr. Hobby claims that, after reading the memo, Mr. Head asked that a line be added for his signature. (Hobby Dep. at 79). Mr. Head denied asking that a line be added for his signature; he further stated that he only discussed the memo in general terms with Mr. Hobby and relied upon Mr. Hobby's representations as to the accuracy of the contents of the memo. (DOL Tr. at 647-48, 650).

VI. CONCLUSION

For the reasons stated above, GPC respectfully requests that, pursuant to 10 C.F.R. § 2.749, the Licensing Board grant GPC's motion for summary disposition of Intervenor's allegation of an illegal transfer of licenses.

Respectfully submitted,


James E. Joiner
William N. Withrow, Jr.
John Lamberski

TROUTMAN SANDERS
Suite 5200
600 Peachtree Street, N.E.
Atlanta, GA 30308-2216

(404) 885-3360

Ernest L. Blake
David R. Lewis

SHAW, PITTMAN, POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20337

(202) 663-8084

Counsel for Georgia Power Company

Dated: August 24, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

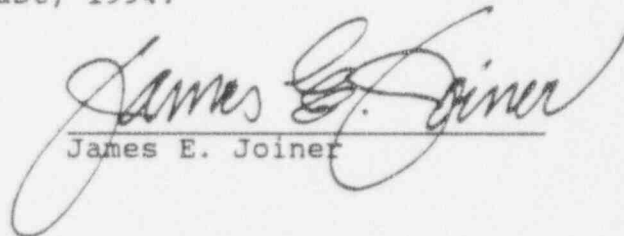
Before the Atomic Safety and Licensing Board AUG 25 P5:29

In the Matter of
GEORGIA POWER COMPANY,
et al.
(Vogtle Electric Generating
Plant, Units 1 and 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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Georgia Power Company's Motion for Summary Disposition of Intervenor's Illegal Transfer of Licenses Allegation" dated August 24, 1994, was served by express mail upon the persons listed on the attached service list, this 24th day of August, 1994.


James E. Joiner

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

In the Matter of
GEORGIA POWER COMPANY,
et al.

(Vogtle Electric
Generating Plant,
Units 1 and 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

SERVICE LIST

Administrative Judge
Peter B. Bloch, Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing
Board
933 Green Point Drive
Oyster Point
Sunset Beach, NC 28468

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Michael D. Kohn, Esq.
Kohn, Kohn & Colapinto, P.C.
517 Florida Avenue, N.W.
Washington, D.C. 20001

Office of Commission Appellate
Adjudication
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Stewart D. Ebnetter
Regional Administrator
USNRC, Region II
101 Marietta Street, NW
Suite 2900
Atlanta, Georgia 30303

Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555
ATTN: Docketing and
Services Branch

Charles Barth, Esq.
Mitzi Young, Esq.
Office of General Counsel
One White Flint North
Stop 15B18
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Director,
Environmental Protection
Division
Department of Natural
Resources
205 Butler Street, S.E.
Suite 1252
Atlanta, Georgia 30334