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UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF LABOR

MARVIN B. HOBBY,

Complainant,

v.

GEORGIA POWER CO.,

Respondent.

90-ERA-30

Staff	RECEIVED
Applicant	RECEIVED
Intervenor	RECEIVED
Conf. Dir.	DATE 1-11-95
Contractor	Witness Hobby
Reporter	Reporter E. Rine

Docket No. 50-425-044-3
In the matter of GA Power Units 1+2
Official File No. 143

RESPONDENT'S RESPONSE TO COMPLAINANT'S REQUEST
FOR INTERROGATORIES AND PRODUCTION OF DOCUMENTS

Comes now Respondent Georgia Power Company and, pursuant to 29 C.F.R. §§18.18, 18.19 and 18.20 and Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, hereby responds to Complainant's Request for Interrogatories and Production of Documents as follows:

GENERAL OBJECTIONS

Respondent objects to the interrogatories and request for production of documents to the extent that they seek documents protected by the attorney/client privilege; documents prepared in anticipation of litigation or within the protection of Rule 26(b)(3) of the Federal Rules of Civil Procedure; documents protected by the work-product privilege or any other privilege; or documents containing proprietary or confidential information. Respondent further objects to the requirement of several requests that information or documents be provided which relate "indirectly" to the subject specified. Such a requirement is so

overbroad and ambiguous as to be meaningless in the context of these discovery requests.

SPECIFIC RESPONSES TO INTERROGATORIES

Interrogatory No. 1a: For the Respondents state whether there is a personnel manual procedure guide, or any other work-rule document setting forth personnel policy, organizational information, work rules, attendance rules, etc. which cover the areas or departments in which Complainant was employed while working for Respondents.

Response:

Georgia Power Company does have a Corporate Guidelines Manual setting forth general personnel policies and other related information. Other than the general Corporate Guidelines Manual there are no specific departmental rules or guidelines responsive to this request.

Interrogatory No. 1b: If so, produce each such document:

Response:

The document referred to above will be produced.

Interrogatory No. 2: Identify all persons who participated in the decision to terminate, lay off and/or discipline Complainant by stating:

- a. His or her name;
- b. Job title;

- c. Length of experience with the company;
- d. The action(s) each took which led to any decision concerning Complainant.

Response:

Respondent objects to Interrogatory No. 2 because it mischaracterizes Respondent's actions in relation to Complainant. Georgia Power Company did not terminate, lay off or discipline Complainant. As part of the Company's reorganization in recognition of SONOPCO's failure to become a separate and distinct corporation, Complainant's position was identified as being unnecessary and was eliminated.

The following people participated or were peripherally involved in the decision to eliminate Complainant's position:

- Mr. Fred Williams, Vice President, Bulk Power Markets for past 5 years, 20 years of service with GPC.
- K.E. Adams, Sr. Vice President - Fossil & Hydro Power for past year, 27 years of service with GPC.
- H.G. Baker, Jr., Sr. Exec. Vice President for past 6 years, 39 years of service with GPC.
- T.G. Boren, Sr. Vice President - Administrative Services for past year, 21 years of service with GPC.
- W.T. Dahlke, Sr. Vice President - Marketing for past year, 24 years of service with GPC.
- D.H. Evans, Exec. Vice President for past year, 19 years of service with GPC.
- J.C. Hemby, Jr., Exec. Vice President for past year, 39 years of service with GPC.
- G.R. Hodges, Sr. Vice President - Division Operations for past three years, 26 years of service with GPC.
- W.Y. Jobe, Executive Vice President and Chief Financial Officer for past six years, 19 years of service with GPC.

- A.W. Dahlberg, President and Chief Executive Officer for past two years, 29 years of service with GPC.

The recommendation to reorganize and eliminate Complainant's position was that of Mr. Williams. This recommendation was developed after a careful review of the interface needs of the Company and the SONOPCO Project (hereinafter sometimes "Project"). The review took the form of discussions between Mr. Williams and representatives from around the Company and the SONOPCO Project and included discussions with Complainant and his staff. The discussions were informal in nature and, in the majority of instances, no reference was made that the results of the conversation would be used in making the organizational decision. The discussions were designed to provide input to Mr. Williams in order that he could assess the Company's needs for interface with the SONOPCO Project.

After conducting his review, Mr. Williams determined that the Nuclear Operations Contract Administration Group should be reorganized to reflect the fact that SONOPCO, as a stand-alone entity, had not materialized and there was no contract to administer. In addition, the performance of the Project group was such that Project members were able to provide more of the relevant data to meet Company needs than had originally been envisioned. Further, as other groups were reorganized within the Company (System Planning, Engineering, etc.) it became apparent that the primary benefits of centralization could not be realized if a separate group was going to exist to provide information and

perform functions that could be performed by the Project. It also became apparent that a level 20 position, one of the highest non-officer positions in the Company, was no longer needed for the remaining tasks to be performed. Finally, it was acknowledged that the Bulk Power Markets Organization, already responsible for administering Participant Contracts, Interchange Contracts and various tariffs, had contacts and communication channels established and that the contract under negotiation would be similar in nature from an administrative perspective. As a result of the foregoing observations, Mr. Williams' recommendation to eliminate the General Manager position was presented to Mr. Evans and Mr. Boren and then to the Management Council.

Interrogatory No. 3: State whether Respondents received any written or oral requests from the Complainant concerning his safety and/or quality control/quality assurance allegations or complaints. [For purposes of these interrogatory questions, "quality control/quality assurance" include the concerns raised by Mr. Hobby in his April 27, 1990 confidential memorandum to F. W. Williams.] If so, identify each complaint by stating:

- a. Its date;
- b. Its contents;
- c. Its disposition.

Interrogatory No. 26: Are any of the allegations or concerns raised in the April 27, 1990 Confidential Memorandum to F. W. Williams from M. Hobby incorrect or not completely correct? For each such allegation or concern which Respondent does not concede is correct, please:

- a. Identify the concern/allegation;
- b. State in full, exactly why the concern/allegation is not correct;
- c. Produce all documents which support your position as to why the allegation/concern is not completely correct.

Response:

Respondent objects to this interrogatory on the grounds that it is overbroad and seeks information irrelevant to the subject matter of this action, in that the April 27th memo addresses matters which are not even alleged to be protected activity by the Complainant himself. Upon confirmation by Complainant or his counsel as to which statements contained in the April 27th memo allegedly constitute protected activity, Respondent will endeavor to note whether such statements are incorrect or incomplete.

Interrogatory No. 27: Separately for each response given to every one of the Interrogatories, identify the person other than counsel, responsible for providing the information or, or formulating such response and identify each document relied on in formulating each response.

Response:

Respondent objects to this Interrogatory on the grounds that it would be overly burdensome and oppressive to provide the information requested, and on the further grounds that disclosure of the requested information would reveal the mental impressions, conclusions, and legal theories of Respondent and its counsel. Subject to and without waiving these or any other objections, Respondent states that all of the persons identified in response to Interrogatory No. 2 provided information used in responding to these interrogatories, and all non-privileged documents relied upon in answering these interrogatories either have been or will be produced. In addition to the persons listed in the response to Interrogatory No. 2, the following people assisted counsel in preparing answers to these interrogatories:

- (1) Clifton Douglas Wilson - Assistant to the Executive Vice President of Finance;
- (2) Leonard Owens - Supervisor, Pensions;
- (3) Joseph M. Farley - Executive Vice President - Nuclear, Southern Company;
- (4) R.P. McDonald - Executive Vice President Nuclear, Georgia Power Co. and Executive Vice President Nuclear, Alabama Power; and
- (5) Robert Hughes - Manager, Regulatory Affairs

that it requests information which is neither relevant to this litigation nor likely to lead to the discovery of admissible evidence. Without waiving this objection, but subject thereto Respondent will produce all documents responsive to this request that are related to the subject matter of this action.

Request No. 9: Copies of 1989 calendar, appointment books or schedules of:

- a. A. W. Dahlberg;
- b. J. M. Farley;
- c. R. D. McDonald;
- d. E. L. Addison;
- e. H. A. Franklin;
- f. J. A. Meiers;
- g. F. W. Williams

Response:

Respondent objects to Request No. 9 on the basis that it is overbroad, burdensome and harassing and on the additional ground that it requests information which is neither relevant to this litigation nor likely to lead to the discovery of admissible evidence. Without waiving this objection, but subject thereto, Respondent will produce all calendar information for the above listed persons which evidences or relates to meetings involving or concerning Complainant.

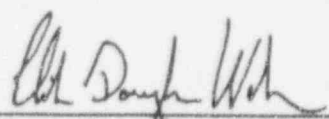
Request No. 10: Approved Job Description for:

STATE OF GEORGIA
COUNTY OF FULTON

VERIFICATION

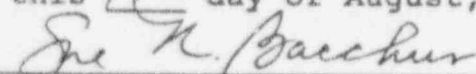
IN PERSON, before the undersigned officer, duly authorized to administer oaths, appeared Clifton Douglas Wilson, Assistant to the Executive Vice President of Finance of RESPONDENT GEORGIA POWER COMPANY, who first being duly sworn, states that to the best of his knowledge the statements set forth in the within and foregoing RESPONDENT'S RESPONSE TO COMPLAINANT'S REQUEST FOR INTERROGATORIES AND PRODUCTION OF DOCUMENTS are true and correct. The responses as written are not based solely on the knowledge of the executing party, but include information obtained by and through GEORGIA POWER COMPANY'S agents, representatives, and attorneys.

This 17th day of August, 1990.



Clifton Douglas Wilson

Sworn to and subscribed before
me this 17th day of August, 1990



Notary Public

Notary Public, Cobb County, Georgia -
My Commission Expires Mar. 21, 1993