

September 19, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

AFFIDAVIT OF JOHN LAMBERSKI

I, John Lamberski, being duly sworn, state as follows:

1. I am presently a member of the law firm Troutman Sanders, located at 600 Peachtree Street, Atlanta, Georgia. I have been associated with this firm since June, 1987.
2. Since 1987, I have represented Georgia Power Company ("Georgia Power") in matters before the Nuclear Regulatory Commission ("NRC") concerning Plant Vogtle.
3. As a part of my representation of Georgia Power, beginning in 1990, I have investigated allegations made by Allen Mosbaugh (Intervenor in the instant proceeding and a former Georgia Power, Plant Vogtle employee), concerning violations of NRC regulations at Plant Vogtle, which had been filed by Mr. Mosbaugh with the NRC.¹

¹ Troutman Sanders also represents Georgia Power concerning the various complaints filed by Mr. Mosbaugh with the U.S. Department of Labor, beginning in June, 1990, alleging that adverse employment action had been taken against him in

4. Mr. Mosbaugh's allegations were initially filed with an investigator in the NRC's Office of Investigations ("OI") in the June-July 1990 time frame and were later included in a September 11, 1990 petition, filed with the Commission and treated as a Section 2.206 petition. The allegations filed by Mr. Mosbaugh included assertions that Georgia Power had intentionally misrepresented its knowledge of information concerning the condition of the Vogtle diesel generators following the March 20, 1990 loss of off-site power at Plant Vogtle (the "diesel allegations").

5. About January of 1992, the NRC OI referred the diesel allegations to the U.S. Department of Justice for investigation of possible criminal wrongdoing.

6. Throughout 1992, in order to provide Georgia Power with legal advice concerning the diesel allegations at the instruction of Georgia Power management, I investigated the circumstances surrounding those allegations and interviewed numerous Georgia Power, Plant Vogtle employees. One of the employees I interviewed was Ms. Ester Dixon, a Plant Vogtle secretary in April, 1990, who had typed documents which were relevant to the diesel allegations.²

retaliation for raising safety concerns with the NRC.

² The documents which Ms. Dixon prepared related to an April 9, 1990 Georgia Power presentation at NRC's Region II offices and included (1) a transparency concerning diesel generator testing, and (2) a list of diesel generator starts.

7. I interviewed Ms. Dixon in person at Plant Vogtle on August 19, 1992 and later spoke with her over the telephone on August 20, August 26 and September 3, 1992. I recorded the information which I received from Ms. Dixon during these interviews on three sheets of paper (hereinafter the "Dixon notes").

8. The information which I sought and received from Ms. Dixon was not available from any Georgia Power manager; it was information which concerned matters within the scope of Ms. Dixon's duties (i.e., typing documents for Plant Vogtle personnel).

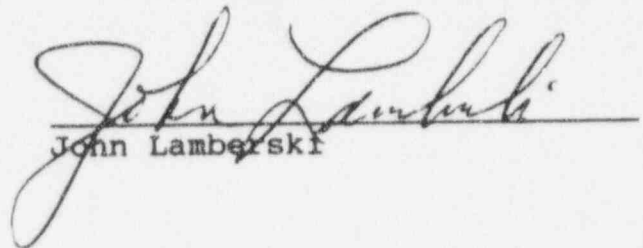
9. Ms. Dixon was aware at the time of my interview with her that I was questioning her in order to provide legal advice to Georgia Power management concerning the diesel allegations.

10. The information which I received from Ms. Dixon and recorded in the Dixon notes has always been treated by Georgia Power and its legal counsel as privileged and confidential attorney-client communications, as well as attorney work product. In fact, these notes have never even been shown or communicated to Ms. Dixon.

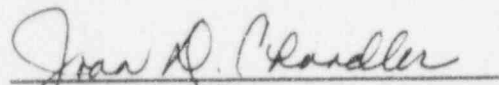
11. Disclosure of the Dixon notes not only will destroy confidentiality of my communications and work product but also will have a chilling effect on my ability to provide Georgia Power the most informed advice and representation. In order to be able to advise and represent Georgia Power properly, I must be

able to ascertain the facts without concern that my inquiries will result in (1) disclosure of my thoughts and impressions and other confidential communications which I record, or (2) my becoming, either directly or indirectly, a witness in the proceeding.

I hereby certify that the foregoing statements are true and correct to the best of my personal knowledge and belief.


John Lamberski

Sworn to and subscribed
before me this 19th day of
September, 1995.


Notary Public

My commission expires:
February 18, 1997

September 20, 1995


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commissioners

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 Nuclear)
(Vogtle Electric Generating Plant,)	
Units 1 and 2))	ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of "Georgia Power Company's Petition for Review of Order to Produce Attorney Notes of Privileged Communications," dated September 20, 1995, were served upon the persons listed on the attached service list by deposit in the U.S. Mail, first class, postage prepaid, or where indicated by an asterisk by hand delivery, this 20th day of September, 1995.



David R. Lewis
Counsel for Georgia Power Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'95 SEP 20 P2:48

Before the Commissioners

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

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