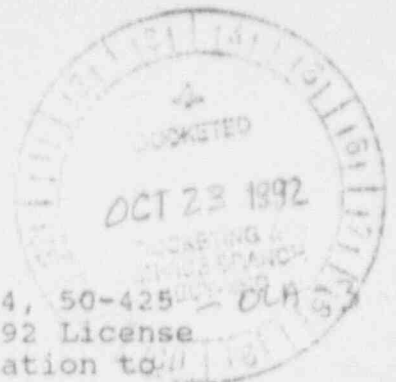


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)

GEORGIA POWER COMPANY,
et al.,)

(Vogtle Electric Generating
Plant, Unit 1 and Unit 2))

Docket Nos. 50-424, 50-425)
(September 18, 1992 License)
Amendment Application to)
transfer license to Southern)
Nuclear))

PETITION TO INTERVENE AND REQUEST FOR HEARING
OF ALLEN L. MOSBAUGH AND MARVIN B. HOBBY

Pursuant to 10 C.F.R. 2.714, petitioners Allen L. Mosbaugh and Marvin B. Hobby hereby request leave to intervene in the above-captioned proceedings. Specifically, petitioners seek leave to intervene in proceedings regarding Georgia Power Company's ("GPC") request to amend the operating license of the Vogtle Electric Generating Plant ("VEGP") to allow the Southern Nuclear Operating Company, Inc. ("SONOPCO") to take over exclusive responsibility and control of construction, operation, and maintenance of Units 1 and 2 of the VEGP.^{1/}

Petitioners assert that SONOPCO's management does not have the character, competence or integrity to become the licensee of the VEGP, and that the lack of character, competence and integrity is magnified by the character of SONOPCO's parent, The Southern Company. Upon information and belief, The Southern Company fosters a corporate atmosphere of harassment and intimidation and has otherwise engaged in conduct demonstrating a

^{1/} To date, NRC Staff has not placed in the Federal Register an "Environmental Assessment and Finding of No Significant Impact" statement concerning the proposed amendment.

total lack of character and integrity, and this corporate ethic infects the management of SONOPCO.

SONOPCO's and The Southern Company's corporate ethic is a critical area of inquiry in light of the fact that the Commission is heavily dependent on a licensee to provide accurate and timely information about its facility. See, e.g., Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-812, 22 NRC 5, 48, 51 (1985). The general applicable standard to be determined is whether a licensee has the character and integrity to reasonably assure the safe operation of a facility. This issue turns on whether SONOPCO's management has, in the past, exhibited behavior which bears a rational connection to the safe operation of the facility or which tends to demonstrate that SONOPCO's management does not have the candor, truthfulness and willingness to abide by regulatory requirements necessary to operate a nuclear facility. Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), ALAB-772, 19 NRC 1193, 1227 (1984), rev'd in part on other grounds, 21 NRC 282 (1985).

I. Petitioners have Standing to Intervene

Pursuant to §189(a) of the Atomic Energy Act ("AEA"), 42 U.S.C. 2239(a)(1), and 10 C.F.R. § 2.714(a), petitioners have standing to intervene. Mr. Mosbaugh owns property and resides at 1701 Kings Court, Grovetown, Georgia, 30813. Said property is within 50 miles of the VEGP.^{2/} The health, safety, property

^{2/} Geographic proximity to a petitioner's residence is sufficient in and of itself to satisfy the interest requirements (continued...)

rights and personal finances of Mr. Mosbaugh and his family could be affected by an order granting GPC's request to transfer control of the VEGP to SONOPCO if it indeed does lack the integrity, competence and character to safely operate a nuclear facility. Mr. Mosbaugh and his family live, work, recreate and travel in the environs of VEGP. They eat food produced in an area that would be adversely affected by normal and accidental releases of radioactive materials from the operation of VEGP, and they are a part of the VEGP's rate base.

Mr. Hobby holds ownership of GPC stock. His personal finances may be adversely affected by the transfer of control of the VEGP to a corporate entity which does not have the character and competence to operate a nuclear facility. Specifically, if SONOPCO does not have the necessary character, competence and integrity to operate the VEGP, then transfer of GPC's license to SONOPCO may risk a serious accident adversely affecting Mr. Hobby's financial interest. Additionally, pursuant to Section 210 of the ERA, Mr. Hobby seeks reinstatement as a General Manager with responsibility over GPC's nuclear facilities. Transfer of the license would directly affect Mr. Hobby's legal and financial interests based on the pendency of his Section 210 case with the Secretary of Labor.

^{2/}(...continued)
of 10 C.F.R. §2.714. Virginia Electric Power Co. (North Anna Nuclear Power Station, Units 1 & 2), ALAB-522, 9 NRC 54, 56 (1979). Distances up to 50 miles from a nuclear plant are sufficient to place petitioner within the geographical zone of interest. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 & 2), ASLB-413, 5 NRC 1418, 1421 n.4 (1977).

II. Petitioners are Entitled to a Hearing

Pursuant to 42 U.S.C. § 2239 (a)(1), the Commission is required to "grant a hearing upon the request of any person whose interest may be affected by the proceeding."


III. Contentions

Petitioners will submit contentions and their factual basis upon receipt of a pre-hearing conference notice, or as otherwise directed by an Atomic Safety and Licensing Board panel.

IV Relief Requested

WHEREFORE, petitioners request that a hearing be convened to determine whether SONOPCO has the requisite character, competence and integrity to become the licensed operator of the VEGP, and that GPC not be allowed to transfer control of its license to SONOPCO until such time as it is determined that SONOPCO does, in fact, have the requisite character, competence and integrity to become a licensee.

Respectfully submitted,



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Attorneys for Petitioners

Dated: October 22, 1992

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing request for intervention was served upon via First Class Mail, postage prepaid, on the following persons this 22nd day of October, 1992:

Document Control (Routing and Servicing Branch)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Chief Administrative Law Judge
Atomic Safety and Licensing Board Panel
Washington, D.C. 20555

Secretary,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

A.W. Dahlberg, President
Georgia Power Company
333 Piedmont Ave.
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By:


Michael D. Kohn