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NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 25, 1996

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Board Notification 96-05

MEMORANDUM TO: Atomic Safety and Licensing Board
and All Parties

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

FROM: Herbert N. Berkow, Director
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

H. Berkow

SUBJECT: SUPPLEMENTAL INFORMATION POTENTIALLY RELEVANT AND MATERIAL
TO BOARD PROCEEDING IN THE MATTER OF VOGTLE ELECTRIC
GENERATING PLANT, UNITS 1 AND 2

In conformance with the Commission's policy on notification of the Licensing Board of new, relevant, and material information, this memorandum provides the information discussed below.

The Board has pending before it a contention challenging the application of Georgia Power Company (GPC) to authorize Southern Nuclear Operating Company, Inc. (Southern Nuclear), a subsidiary of The Southern Company, to operate the Vogtle Electric Generating Plant, Units 1 and 2. One of the issues involves a challenge whether Southern Nuclear possesses the requisite character, competence and integrity, as well as the necessary candor, truthfulness and willingness to abide by regulatory requirements.

By Board Notifications (BNs) 94-07, 94-11 and 95-09, dated March 24, 1994, July 19, 1994, and April 11, 1995, respectively, the NRC Staff informed the Board and Parties of the status of an allegation concerning the participants in a telephone call on April 19, 1990, discussing a Licensee Event Report on diesel generator testing, and subsequent remarks and actions by Southern Nuclear, GPC, and its attorneys. By BNs 94-08, 94-11 and 95-08, dated April 19, 1994, July 19, 1994 and April 4, 1995, respectively, the NRC Staff informed the Board and Parties of the status of an allegation that GPC made false statements to the NRC about diesel generator testing conducted after the March 20, 1990, Site Area Emergency. By BN 94-10 dated July 18, 1994, the NRC Staff informed the Board and Parties of the status of an allegation consisting of a document entitled "Executive Summary Vogtle Diesel Operability."

The information provided to the Board included the fact that the above three allegations were either being investigated by the NRC's Office of Investigations (OI) or were being considered for investigation. All three allegations have become the subject of OI investigations. This BN informs the Board and Parties of the status of those investigations.

OI has administratively closed the investigations of the above three allegations based on their observation that many, if not all, of the issues associated with the allegations have been addressed to some degree in the

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Board proceedings. Upon review of the evidence and findings, when issued, in the Board proceedings, a determination will be made regarding the efficacy of reopening the cases.

This information is being brought to the attention of the Licensing Board and all Parties, as it may be relevant and material to issues pending before the Licensing Board.

Docket Nos. 50-424-OLA-3 and
50-425-OLA-3

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