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

DOCKETED
USNRC

'94 MAY -3 P5:50

In the Matter of)

GEORGIA POWER COMPANY)

et al.,)

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

Docket Nos. 50-420 ~~FOIA~~ SECRETARY
50-420 ~~BOOK~~ & SERVICE
BRANCH

Re: License Amendment
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

INTERVENOR'S SUGGESTED SCHEDULING ORDER

Given the present status of discovery in this case, and the failure of the NRC Staff to release to the parties a copy of the OI Report (or a redacted version of the OI Report), Intervenor hereby suggests that the following scheduling order govern the remaining proceedings:

1) Representatives of the parties shall meet, in person, in Washington, D.C. within 10 days of the issuance of the Scheduling Order matters identified in paragraph 4 of the Board's April 12, 1994 Memorandum and Order (April 11 Status Conference Results). Within 5 days of this conference the parties shall inform the Board, in writing, of the results of said meeting.

2) Within 20 days of the issuance of the Scheduling Order, Intervenor shall inform the Board, in writing, of his plans concerning the potential disqualification of the Troutman Sanders law firm.

3) The parties shall be able to commence discovery on any matter related to the proceeding effective the date this scheduling order is approved by the Board;

4) All written discovery requests must be filed within 90 days of the release of the unredacted OI Report;

5) All depositions must be completed within 90 days of the release of the unredacted OI report;

6) The parties shall exchange tentative witness and exhibit lists within 30 days of the release of the OI Report. An adverse party shall have leave to depose any person subsequently added to the tentative witness list within 60 days of such addition.

7) Within 45 days of the close of discovery the parties shall jointly file with the Board proposed joint stipulations.

8) Within 60 days of the close of discovery, all parties shall file with the Board:

- a) Final Witness list for the hearing;
- b) Final Exhibit list for the hearing;¹
- c) List of taped conversations deemed relevant to the proceeding;
- d) All dispositive motions and/or motions in limine;

9) Within 120 days from the close of discovery all parties shall file replies to any and all dispositive motions and/or motions in limine. Additionally, the parties shall either stipulate to the contents of all tape recorded conversations for which any party identified as a potential exhibit. If such a

¹ If a witness or exhibit is named in the Final Witness or Exhibit List which had not been previously identified on the tentative witness and exhibit lists, the adverse party shall have 60 days in which to conduct additional discovery limited specifically to the newly identified witness and/or exhibit.

stipulation cannot be reached, the party seeking to introduce the tape into evidence shall inform the Board of which parts of the tape a stipulation could not be reached.

10) As soon as practical after the Board rules on the outstanding dispositive motions and motions in limine, the Board shall conduct a conference with the parties to establish a trial date and the order of evidence.²

11) Within 10 days of the actual hearing, the parties shall:

- a) Exchange pre-marked exhibits which the party plans to introduce into the record at the hearing;
- b) Inform the parties as to the schedule of witnesses each party will call at the hearing;
- c) File a pre-trial brief which will be the equivalent of the oral opening of the parties and shall contain a concise statement of the law relevant to the hearing and the facts the party believes will be proven at the hearing. The pre-trial brief shall be limited to 30 pages.

² The intervenor opposes any effort to bifurcate the hearing on this matter, or to bifurcate future discovery. Such bifurcation significantly adds to the costs incurred by the intervenor. Additionally, bifurcation of the hearing would be inappropriate because of the inter-relationship between matters related to the Site Area Emergency and the alleged illegal transfer of the license. For example, credibility findings related to the licensee's conduct will be equally relevant to all of the issues presented to the Board at the hearing.

12) The parties and the Board shall have a pre-hearing conference 5 days prior to the formal hearing in order to resolve any outstanding matters.

Respectfully submitted,



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'94 MAY -3 P5:50

In the Matter of)

GEORGIA POWER COMPANY)
et al.,)

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

Docket Nos. 50-424-OLA-3)
50-425-OLA-3)
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Re: License Amendment
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Suggested Scheduling Order, dated May 2, 1994 has been served on the 2nd day of May, 1994, by first class mail upon the following (additional service by facsimile designated by "**"):

*Administrative Judge
Peter B. Bloch, Chair
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Administrative Judge
James H. Carpenter
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
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Washington, D.C. 20555

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