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July 27, 1994

Administrative Judges
Peter B. Bloch, Esq., Chairman
Mr. Thomas D. Murphy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Rockville, MD 20852

Administrative Judge
Dr. James H. Carpenter
Atomic Safety and Licensing Board
933 Green Point Drive
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Sunset Beach, N.C. 28468

In the Matter of
Georgia Power Company
(Vogle Electric Generating Plant, Units 1 & 2)
Docket Nos. 50-424-OLA-3, 50-425-OLA-3

Gentlemen:

In accordance with your July 15 Memorandum and Order, Georgia Power Company proposes the following agenda for this Friday's prehearing conference.

I. Intervenor's Seventh Set of Interrogatories to Georgia Power Company

GPC believes that these new interrogatories, filed on the very last day permissible, are inconsistent with Intervenor's commitment at the May 26 prehearing conference that it would not file last minute interrogatories. In light of Intervenor's indication at the May 26 conference that it had already filed all the interrogatory questions it thought were relevant and anticipated only limited follow-up written discovery on admissions which would be filed well in advance, this latest and last minute filing (which is the fifth set of written discovery requests filed by Intervenor in the last month) appears excessive. This is particularly so given the breadth and generality of the interrogatories in this package and the apparent lack of any tie to recent developments in discovery. GPC therefore suggests that Intervenor be required to explain why each of the new interrogatories could not have been asked earlier. The pertinent transcript pages of the May 26 prehearing conference are attached.

II. Mr. McCoy's Notebook from June 1990 through January 1991.

GPC will provide the original to the Board on July 28 pursuant to the Board's request during Mr. McCoy's deposition so that the Board may conduct an in camera review

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Atomic Safety & Licensing Board
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to determine whether production of the relevant portions identified by GPC are a sufficient response to Intervenor's discovery request.

- III. Depositions of NRC Personnel.
- IV. Agreed Deposition Schedule Beyond August 8 End of Discovery.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Lewis", written over a horizontal line.

David R. Lewis
Counsel for Licensee

cc (w/ encl.): Service List

1 Mosbaugh's counsel observed, that is their anticipation,
2 that by putting the depositions, the bulk of them after
3 getting our response on the admissions that they will be
4 able to do that.

5 After the responses from the licensee and the
6 Intervenor are exchanged on the admissions on June 30, there
7 would follow essentially the month of July ending on August
8 1 an opportunity for depositions on the diesel generator
9 issue. No date or names have been yet exchanged on that.

10 JUDGE MURPHY: When will that be done, Mr. Blake?

11 MR. BLAKE: August 1.

12 JUDGE MURPHY: When will the names be exchanged?

13 MR. BLAKE: We haven't established any even target
14 schedules for when the names would be exchanged, but we're
15 hopeful with the end date having been agreed to by the
16 parties, if we can get the board to extend the schedule to
17 accommodate that, that they'll be plenty of incentive to get
18 names early enough so that you can reach agreement and get
19 them in within that schedule.

20 JUDGE BLOCH: There will be no problem, I'm sure,
21 getting the agreement by the board on a reasonable schedule
22 that has been agreed to by the parties.

23 MR. BLAKE: Thank you.

24 When I said the end of depositions by the end of
25 August, that is also August 1 -- I'm sorry -- the end of

1 depositions by August 1, that is also the end date for
2 completion of discovery in all respects. And by that I
3 mean, interrogatories will have been sent, delivered to the
4 other parties in a time frame so that under the NRC's
5 regulations for typical responses, responses would be due by
6 August 1.

7 Therefore, if you decided to serve your
8 interrogatories by mail, you would subtract 19 days about
9 from August 1, 14 for typical time for interrogatories, and
10 5 for motion -- for serving by mail and you would have to
11 have submitted your interrogatories 19 days prior to August
12 1.

13 JUDGE BLOCH: I see one possible problem with that
14 and that is just that it's possible that adding a bunch of
15 interrogatories could be so extensive that the party sending
16 it would know that there is going to be an extension. I
17 would think that you really want it done so that
18 interrogatories are filed as early as possible, and whatever
19 is done at that last moment would be the smallest amount
20 that is left until that moment.

21 MR. BLAKE: Speaking for the licensee, I would
22 certainly follow that lead and we will try to do that.

23 JUDGE BLOCH: That seems to be something the
24 intervenors can stick with also. As I was thinking about
25 it, the interrogatories are awfully useful to get back

1 before you do the depositions.

2 MR. COLAPINTO: Your Honor, we have attempted
3 already to file all the interrogatory questions that we
4 think are relevant. We're going to try to finish that off
5 so we don't have to file any in July. But it's a good
6 suggestion. As we discussed in our negotiations, we do
7 anticipate some follow-up written discovery once the answers
8 to the admissions come in, and so it's kind of foreseeing
9 the small period of time to do that. But I think as a
10 general rule, I agree completely. But I don't want -- but
11 the way it is set up now is the parties would be able to
12 file their last set of interrogatories 14 days prior to
13 April 1, or if they did it by mail, 19 days.

14 JUDGE BLOCH: I thought I heard you say something
15 else, I'm not sure, and that is you thought there might also
16 be some interrogatories following the last two weeks of
17 depositions to follow-up?

18 MR. COLAPINTO: No, no, no, following the
19 admission, the requests for admissions which are due on June
20 3.

21 JUDGE BLOCH: But that is well in advance?

22 MR. COLAPINTO: Yes.

23 MR. MICHAEL KOHN: There is one other item that we
24 haven't really covered in this, but the deposition schedule
25 from July through August 1st -- when we were framing it, it

1 was in my mind leaving at the most the time to do that and
2 we would be filing our discovery, that the due date would
3 actually end on July 1st as well. But I don't know if the
4 parties actually agreed that because we may have a vigorous
5 deposition schedule going on there, that the actual answers
6 might actually arrive after August 1st, but the actual
7 filings would occur before that time.

8 MR. LAMBERSKI: You're talking about August 1st?

9 MR. MICHAEL KOHN: Yes.

10 MR. LAMBERSKI: You said July 1st.

11 MR. MICHAEL KOHN: I'm sorry.

12 JUDGE BLOCH: What is this one time, that will be
13 an exception? I didn't understand that.

14 MR. MICHAEL KOHN: I'm afraid I didn't, either.

15 MR. COLAPINTO: What he is saying is that the way
16 the schedule is that the discovery has to be filed so that
17 it would be answered by July 1 -- August 1. I'm sorry.
18 That would not necessarily foreclose a party from asking for
19 an enlargement of time to answer that discovery request, you
20 know, if they were in the middle of depositions, but when it
21 is setting the final date is when there will be no more
22 discovery filed.

23 JUDGE BLOCH: I understand that, but I thought
24 there was a question on that which is to attempt to get
25 interrogatories so there won't be a multiple one to answer

1 so it will reduce the chance of needing an extension.

2 MR. BLAKE: That, I believe, gives you the
3 schedule that we were talking about for completing discovery
4 in this case. We did not go on and discuss the other items
5 that appear in your agenda, or even try to.

6 JUDGE BLOCH: It could be better to put that off.

7 MR. BLAKE: If we could, please.

8 Let me continue now with our agenda items and give
9 you any other agreements or things that we are agreed upon.

10 JUDGE BLOCH: Just one second. I would like to
11 ask the reporter to bind our agenda in so that there will be
12 a record of what it is. Bind it at this point in time in
13 the transcript, not at the back, right there.

14 [The Board's Agenda follows:]

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric Generating
Plant, Units 1 and 2)

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

Re: License Amendment
(Transfer to Southern
Nuclear)

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

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