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August 1, 1994

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:

Peter B. Bloch, Chair
Dr. James H. Carpenter
Thomas D. Murphy

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

Re: License Amendment
(transfer to Southern Nuclear)

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

INTERVENOR'S MOTION FOR CONTINUANCE TO FILE A
BRIEF IN RESPONSE TO THE BOARD'S MEMORANDUM AND ORDER OF
JULY 28, 1994 (MOTION TO ACCEPT ADDITIONAL FACTUAL BASIS)

On July 28, 1994 the Board issued Memorandum and Order LBP-94 22 concerning Intervenor's request to admit a new factual basis related to an admitted contention. Therein the Board requested Intervenor to file a combined reply to GPC's and Staff's responses to extensive and carefully documented answers. The Board requested that the brief be filed by August 6, 1994.

Intervenor respectfully requests an extension of time in which to file a response. This extension is based on the following factors:

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1) Intervenor is under an obligation to file notices of deposition of NRC witnesses on August 1, 1994. In addition, Intervenor is filing additional motions to compel concerning NRC Staff responses and is drafting additional motions to compel with respect to responses to discovery filed by GPC last Friday (which were received today by Intervenor's counsel). Filing these briefs will preclude Intervenor from filing a brief in the time requested by the Board;

2) Depositions are scheduled to commence on August 3, 1994 through August 5, 1994. These depositions will commence in Atlanta, Georgia and Birmingham, Alabama respectively. Travel to and from and preparing for these depositions will preclude Intervenor from filing a brief in the time requested by the Board;

3) Intervenor's counsel is under an obligation to file a detailed response to GPC's proposed schedule. Filing a response to this proposed schedule will further hinder Intervenor's ability to file a response in the time requested by the Board;

4) Intervenor is in the mid-west portion of the country and is not readily accessible to his counsel nor is he prepared to respond to technical arguments concerning interpretation and operation of plant Tech. Specs (Intervenor's vacation was scheduled before the Board issued LBP-94-22 and his counsel did not foresee that a response would be requested by the Board).


5) The first point in time where Intervenor and his counsel can adequately devote time to file a response would be immediately following the conclusion of Intervenor's deposition on August 24, 1994.

6) NRC Staff counsel, Mitzi Young, Esq., indicated that she does not believe Staff will oppose a continuance of five working days from the completion of Intervenor's deposition, but was unable to consent to a continuance as of the time Intervenor's counsel filed the instant motion.

7) GPC's Counsel, Ernest Blake, Esq., stated that GPC is opposed to any continuance.

WHEREFORE, Intervenor, through counsel, respectfully requests that he be granted five working days from the completion of Intervenor's deposition (i.e., August 31, 1994) to file a combined reply to GPC's and NRC Staff's briefs.

Respectfully submitted,



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Attorneys for Intervenor

Dated: August 1, 1994

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CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Motion for Continuance to File a Brief in Response to the Board's Memorandum and Order of July 28, 1994 (Motion To Accept Additional Factual Basis) has been served this 1st day of August 1994, by first class mail upon the persons listed in the attached Service List, except that it was filed by facsimile as indicated by "*".

By:

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