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August 8, 1994
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USNR

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

'94 AUG -9 P5:59

Before Administrative Judges:
Peter B. Bloch, Chair
Dr. James H. Carpenter
Thomas D. Murphy

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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 PROPOSED SCHEDULE

In accordance with the instructions of the Atomic Safety and Licensing Board issued at the July 29, 1994, status conference, Intervenor hereby proposes the following schedule for the adjudication of this proceeding:

- 1) August 23, 1994 - Intervenor submits sworn affidavit regarding his answers to GPC's request for Admissions.
- 2) August 23-25, 1994 - Completion of Mosbaugh and Shipman depositions.
- 3) August 25, 1994 - All parties exchange complete copy of all transcripts of any type recordings made by Intervenor which is in their possession. The exchange of transcripts will facilitate the use of the tape recorded evidence at the hearing and allow the parties to reach an agreement on the content of all or part of the relevant tapes prior to a hearing on the merits.
- 4) September 7-9, 1994 - The parties convene in Washington, D.C. for the following:
 - a) identification of any and all tapes that have not been transcribed by any party, and with respect thereto, develop a method to proceed on tapes for which no transcription exists;

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- b) each party shall identify existing transcripts (or portions of a transcript) which that party believes it may use during the hearing process;
 - c) each party shall, to the fullest extent possible, attempt to resolve the accuracy of any transcript identified in (b) above (this process would include the playing of controverted tape segments with the expectation that each party will have a representative available to resolve disputes, as necessary). For any transcript segment for which an agreement cannot be reached, each party will submit by September 19, 1994, a written alternative to the content of the contested portion of the transcript. The parties will attempt to continue to resolve differences in transcriptions, as outlined in paragraphs 10-13 below.
- 5) September 15, 1994 - NRC Staff to responds to outstanding written discovery filed by GPC and responds to Intervenor's request of admissions and other matters which were contained in Intervenor's Motion to Compel filed on August 1, 1994.
 - 6) September 16 through October 14, 1994 (or commencing 15 days from final NRC Staff action under 10 C.F.R. §§ 2.205(d) and 2.743(f) on the NOV/Demand for Information related issues, which ever is latter) - Parties shall initiate and complete the depositions of NRC personnel. In other words, the parties shall have a 30 day period to complete all NRC staff depositions. This 30 day period shall not commence to run until 15 days after the NRC issues its response to the NOV/Demand for Information. An NRC response to the NOV/Demand for Information is required under 10 C.F.R. § 2.205(d).
 - 7) September 19, 1994 - All dispositive motions shall be filed.
 - 8) September 26, 1994 - ASLB Status conference in Washington, D.C. (White Flint). Prior to this hearing, the parties shall, in accordance with 10 C.F.R § 2.759, discuss appropriate steps which may be carried out to reach a settlement of the proceeding. The parties shall inform the ASLB of the status of this discussion.

- 9) September 26 - October 7, 1994 - The NRC shall make available, in the Public Documents Room and/or another agreeable location in the Washington metropolitan area, the original Mosbaugh tapes and the FBI enhanced Mosbaugh tapes for review by any interested party. At this time, the other parties shall also make available the original of any tape in their possession for review by the other parties.
- 10) October 15, 1994 - Parties exchange all written alternatives and otherwise corrected or commented on versions of all tape transcripts that each party had identified as potentially relevant in the September 8-9 conference.
- 11) October 24-28, 1994 - Parties attend conference in Washington, D.C. to reach stipulations as to the content of a tape transcript and designate any contested portions of a tape. The parties shall:
 - a) Identify all portions of transcripts for which all three parties are in agreement as to their contents;
 - b) Attempt to reach an agreement as to the contents of tapes for which a disagreement exists;
 - c) Specifically identify those portions of transcripts for which no agreement can be reached.
- 12) November 15, 1994 - All responses to dispositive motions shall be filed. Additionally, the NRC shall, by this date, have filed their final ruling on the NOV/Demand for Information in accordance with 10 C.F.R. § 2.205(d) and their safety filings as required by 10 C.F.R. § 2.743(g).
- 13) November 30, 1994 - Parties are to jointly submit stipulated tape transcripts. With respect to any disagreement concerning transcript language, each party will submit their proposed version of a disputed section. All proposed versions will be included in the transcript.
- 14) December 2, 1994 - Parties may file replies to the responses concerning the dispositive motions. Reply briefs shall be strictly limited to matters raised in the responses of the parties and, absent good cause, shall not be more than 25 pages in length.

- 15) December 9, 1994 - Parties to file final witness (fact and expert) lists for entire proceeding (Alienation of control and diesel generator issues).
- 16) December 14, 1994 - Parties may file sur-rebuttals to the December 2nd reply briefs. These sur-rebuttals shall not be longer than 15 pages and shall be strictly limited to matters raised in the reply brief.
- 17) December 19, 1994 - ASLB Status Conference and, if necessary, oral argument on the dispositive motions.
- 18) January 5, 1995 - By this date the parties anticipate a final ASLB ruling on any pending dispositive motions (should a party file interlocutory review of a decision of the ASLB, the remainder of the schedule may need to be reexamined).
- 19) January 12, 1995 - each party shall exchange a proposed exhibit list.
- 20) January 17-18, 1995 - The parties shall meet in Washington, D.C. and discuss the proposed exhibits. For each exhibit the parties shall:
 - a) Agree if the exhibit may be stipulated into evidence;
 - b) If a exhibit cannot be stipulated into evidence, state with particularity the basis for the objection to the exhibit.
- 21) January 20, 1995 - The parties shall attend a pre-hearing conference in accordance with 10 C.F.R. § 2.752. In addition, prior to this conference the parties shall discuss appropriate steps which may be carried out to resolve part of all of this proceeding in accordance with 10 C.F.R. § 2.759.
- 22) January 30, 1995 - In accordance with 10 C.F.R. § 2.743(f) the parties shall exchange all proposed and stipulated exhibits. Each exhibit shall be separately marked and each page of each exhibit shall be numbered. Each party shall serve the other parties and the ASLB a copy of their marked and numbered exhibits. Exhibits for which the parties have stipulated into evidence, or otherwise have not objected to their admission into evidence, shall be identified.

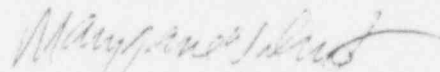
- 23) February 10, 1995 - The parties shall state, in writing, their grounds for objecting to any exhibit which was not stipulated or admitted without objection into the record. The failure to state a ground for objecting to an exhibit shall result in that exhibit's admission into evidence. Any challenges to authenticity must be made on this date and explained in detail.
- 24) February 15, 1995 - Each party shall submit a statement of all legal issues a party believes the Board should issue a decision and/or are relevant to this proceeding.
- 25) February 27, 1995 - In accordance with 10 C.F.R. 2.743(b)(1), each party shall file their direct testimony. If an exhibit is referred to by any witness in this pre-filed written direct testimony, the party presently the testimony shall refer to the specific pre-marked exhibit number of each such exhibit and state whether that exhibit has been admitted into evidence.
- 26) March 15, 1995 - ASLB Status Hearing and oral argument on contested evidentiary matters related to pre-filed exhibits used in the pre-filed direct testimonies and controverted interpretations of disputed tape segments. On the basis of the pre-filed direct testimony and the oral arguments the ASLB shall make a ruling on the admissibility of exhibits contested by the parties but contained in the pre-filed exhibits. Additionally, the ASLB shall make a written determination as to the contents of any disputed tape transcript contained in the pre-filed written testimony.
- 27) March 31, 1995 - ASLB rulings on tape contents and disputed exhibits.
- 28) April 17, 1995 - In accordance with 10 C.F.R. 2.743(b)(2) the parties shall submit to the ASLB Presiding Officer Cross-Examination plans.
- 29) April 21, 1995 - Pre-hearing and Status Conference. At this conference each party shall:
 - a) Identify which witness(es), if any, they intend to call live at the hearing;
 - b) Which witnesses, if any, they would like another party to produce for cross-examination and/or to present testimony as an adverse/rebuttal witness;

- c) Additional stipulations and other matters which may reduce or limit the need to call live witnesses to the hearing;
 - d) Stipulations concerning how to proceed with the live testimony portion of the proceeding. 10 C.F.R. § 2.753;
 - e) Settlement progress, if any, as set forth in 10 C.F.R. § 2.759;
 - f) The filing of pre-filed cross examination testimony, rebuttal testimony and written objections to admissibility of pre-filed which a party maintains does not purport to the requirements of 10 C.F.R. § 2.743(c).
- 30) May 10, 1995 - Parties shall file written items required in the April 21 Pre-Trial Conference and Status Hearing.
- 31) May 22, 1995 - The Applicant shall present a detailed opening argument concerning the proof they shall submit onto the record during the live hearing portion of the proceeding. After opening argument, the Intervenor and/or NRC Staff may present an opening statement or defer their respective opening statements until the Applicant has called its witnesses to testify. After opening argument the Applicant shall proceed to call its witnesses.
- 32) At the close of the applicants case, the Intervenor and/or NRC Staff shall have one day to prepare an oral motion for directed verdict or shall inform the ASLB that they do not intend to file such a motion.
- 33) After the close of applicants case (or a ruling on a directed verdict motion, is such a motion is filed), the NRC Staff shall call its live witnesses. If the NRC Staff did not make an opening statement, the NRC Staff shall, at this time, make a detailed opening statement concerning the live witnesses it intends to call.
- 34) After the close of NRC Staff's oral case-in-chief, the Intervenor shall call its live witnesses. If Intervenor did not make an opening statement at the beginning of the case, Intervenor shall make a detailed opening statement at this time concerning the live witnesses he intends to call. At the close of Intervenor's case, Applicant may present rebuttal testimony. Both the NRC Staff and Intervenor shall

also be able to call witnesses strictly limited to sur-
rebuttal of the applicants case. At the close of the
live testimony, the evidentiary record in this
proceeding shall be closed.

- 35) After the end of the live testimony portion of the proceeding, the Applicant shall have 45 days from the production of the hearing transcript to file proposed findings of fact and conclusions of law in accordance with 10 C.F.R. § 2.754.
- 36) The Intervenor may file proposed findings of fact and conclusions of law within 25 days of receipt of the Applicants filing. The NRC Staff may file proposed findings of fact and conclusions of law within 20 days of receipt of the Intervenor's filings. These filings shall also conform to the style and contents as set forth in 10 C.F.R. § 2.754.
- 37) Applicant shall have 10 days to file a reply to the Intervenor's findings of fact and conclusions of law and both the Intervenor and the Applicant shall have 10 days from receipt to file a response to the NRC Staff's findings of fact and conclusions of law.
- 38) At a reasonable time after the filing of all post-trial briefs, the ASLB may, at the request of any party or at its own request, set a reasonable time for oral arguments related to the post-trial filings. 10 C.F.R. § 2.755.
- 39) Within 40 days after the filing of the post trial briefs, and after any oral argument, the ASLB shall issue its initial decision. 10 C.F.R. § 2.760.

Respectfully submitted,



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In the Matter of)

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

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

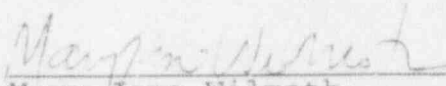
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(transfer to Southern Nuclear)

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

CERTIFICATE OF SERVICE

I hereby certify that Intervenor's Response to Georgia Power Company's Proposed Schedule to Complete Proceeding and Intervenor's Proposed Schedule have been served this 8th day of August 1994, by facsimile upon the persons listed in the attached Service List, except that it was filed by first class mail as indicated by "*".

By:



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<u>et al.</u> ,)	50-425-OLA-3
(Vogtle Electric Generating)	Re: License Amendment
Plant, Unit 1 and Unit 2))	(transfer to Southern Nuclear)
)	ASLBP No. 93-671-01-OLA-3

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