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USMRC August 10, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'94 AUG 11 P5:14

Before the Atomic Safety and Licensing Board

SECRETARY
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In the Matter of)	Docket Nos. 50-424-OLA-3
)	50-425-OLA-3
GEORGIA POWER COMPANY,)	
et al.)	Re: License Amendment
)	(Transfer to
)	Southern Nuclear)
(Vogtle Electric Generating)	
Plant, Units 1 and 2))	ASLBP No. 93-671-01-OLA-3

**LICENSEE'S REPLY TO INTERVENOR'S
PROPOSED SCHEDULE OF AUGUST 8, 1994**

Pursuant to the schedule established by the Board, Licensee herein replies briefly to the proposed completion schedule and related comments filed on August 8 by Intervenor.

Intervenor's August 8 pleadings are illuminating. Nowhere does Intervenor even profess a desire to move the process expeditiously to a hearing; his schedule in fact would stretch the proceeding for an additional six months. This is only the latest ploy in a four-year war between GPC and Mosbaugh. It is an expensive and time consuming war. It distracts large numbers of GPC personnel from their required duties. Intervenor and his counsel understand very well the tremendous burden this proceeding places on GPC.

Intervenor would have the Board read the NRC Rules of Practice to build in months of additional prehearing steps when this is entirely unnecessary. The Rules of Practice are meant to aid in the orderly and efficient administration of a case--not to build time-consuming road blocks into a prehearing schedule. Intervenor complains, for example, that Licensee's proposed

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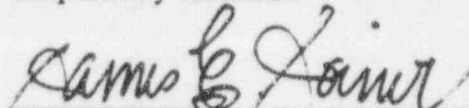
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schedule doesn't build in time for formulation of cross-examination plans or marking and prefiling exhibits as supposedly required by § 2.743. Neither is this time necessary nor does such a requirement exist in the Rules. Intervenor simply has grafted a self-serving interpretation onto the rules to suit his purpose. The Board is authorized to require cross-examination plans or require as much prefiling of exhibits as it desires, but there is clearly no need for these steps months in advance of the hearing, nor is here a need for the schedule to be extended to allow for them.

Intervenor faults GPC's schedule for not providing a lavish amount of time for a § 2.752 prehearing conference. That section does not even apply to this proceeding, but even if it did, the § 2.752 prehearing conference is to be a mechanism for assisting to expedite a proceeding, not another step in delaying the process. This Board has always made itself available by phone, and conducted monthly, and at times bi-weekly conferences to resolve issues and expedite the process. It has addressed, and continues to address the matters which § 2.752 contemplates it addressing. Intervenor's positions to the contrary are hollow.

In short, we believe GPC's schedule to be achievable. It is not posturing as Intervenor professes. It is GPC who bears the burden to prevail in this case. It is GPC who will bear the bulk of preparation to try the case. GPC is prepared to move forward on the schedule it proposed.

Respectfully submitted



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Dated: August 10, 1994

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Re: License Amendment
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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(Vogtle Electric
Generating Plant,
Units 1 and 2)

* Re: License Amendment
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