

15597

August 18, 1994

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

GEORGIA POWER COMPANY'S RESPONSE TO
THE BOARD'S MEMORANDUM AND ORDER
CONCERNING THE DEPOSITION OF BILL SHIPMAN

The Licensing Board's Memorandum and Order (Deposition of Bill Shipman), LBP 94-24 (August 18, 1994), denied Intervenor's Motion to Compel GPC to Produce Bill Shipman (August 15, 1994) subject to the conditions that Georgia Power Company ("GPC") either (1) file with the Board an affidavit discussing why Mr. Shipman's willingness to attend a deposition should not be honored by the Board, or (2) state that Mr. Shipman will attend a deposition subject to specific conditions that are consistent with the Board's decision and are acceptable to Mr. Shipman.

Counsel for GPC has consulted with Mr. Shipman and his personal counsel and, collectively, have decided that Mr. Shipman will be made available for a deposition on Monday, August 22, 1994. GPC and Mr. Shipman, however, request that the deposition be subject to the following conditions:

- 1) The deposition be conducted in the Company's Birmingham

offices;^{1/}

2) The Board's Chair monitor the deposition by telephone;

3) The deposition begin at 11:00 a.m. Central Time (12:00 Eastern Time) and continue for no more than four and a half hours,^{2/} with one-half hour reserved for NRC Staff and GPC questioning, and allowing additional time for breaks requested by Mr. Shipman;

4) A transcript of the August 5 deposition^{3/} and a cross examination plan be made available to the Board;

5) Questions that have previously been asked and answered not be permitted; and

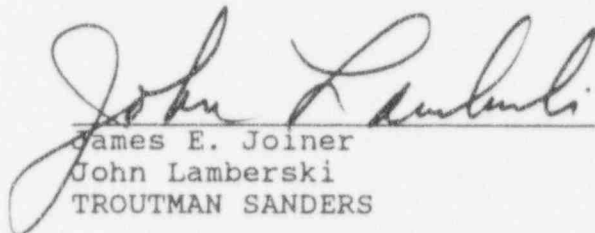
6) No further deposition of Mr. Shipman be conducted in this proceeding.

^{1/} GPC contemplates that Mr. Shipman, his counsel, GPC counsel and the court reporter would, at a minimum, be present in the Birmingham offices. GPC is agreeable to have Intervenor conduct, and the NRC Staff participate in, the deposition by telephone.

^{2/} This period of time is reasonable to Mr. Shipman and should be sufficient to Intervenor's counsel to conclude the deposition based on his statement at the end of the prior deposition that he was half-way through his questioning.

^{3/} This assumes that the court reporter is physically able to deliver a transcript to the Board's Chair before the deposition begins on August 22.

Respectfully submitted,


James E. Joiner
John Lamberski
TROUTMAN SANDERS

600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308-2216
(404) 885 3360

Ernest L. Blake, Jr.
David R. Lewis

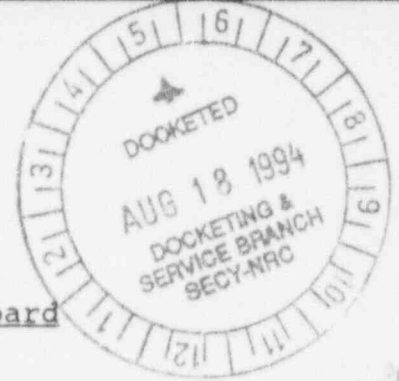
SHAW PITTMAN POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663 8000

Counsel for Georgia Power Company

Dated: August 18, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION


Before the Atomic Safety and Licensing Board



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
(Vogtle Electric Generating)	Nuclear)
Plant, Units 1 and 2))	
)	ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of "Georgia Power Company's Response to the Board's Memorandum and Order Concerning the Deposition of Bill Shipman," dated August 18, 1994, were served by deposit with an express mail delivery service, or by facsimile where indicated by and asterisk, upon the persons listed on the attached service list, this 18th day of August, 1994.


John Lamberski

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

In the Matter of
GEORGIA POWER COMPANY,
et al.

* Docket Nos. 50-424-OLA-3
* 50-425-OLA-3
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(Vogtle Electric
Generating Plant,
Units 1 and 2)

* Re: License Amendment
* (Transfer to Southern
* Nuclear)
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* ASLBP No. 93-671-01-OLA-3

SERVICE LIST

Administrative Judge
Peter B. Bloch, Chairman*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Stewart D. Ebnetter
Regional Administrator
USNRC, Region II
101 Marietta Street, NW
Suite 2900
Atlanta, Georgia 30303

Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555
ATTN: Docketing and
Services Branch

Administrative Judge
James H. Carpenter*
Atomic Safety and Licensing
Board
933 Green Point Drive
Oyster Point
Sunset Beach, NC 28468

Charles Barth, Esq.*
Mitzi Young, Esq.
Office of General Counsel
One White Flint North
Stop 15B18
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Administrative Judge
Thomas D. Murphy*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Director,
Environmental Protection
Division
Department of Natural
Resources
205 Butler Street, S.E.
Suite 1252
Atlanta, Georgia 30334

Michael D. Kohn, Esq.*
Kohn, Kohn & Colapinto, P.C.
517 Florida Avenue, N.W.
Washington, D.C. 20001

Office of Commission Appellate
Adjudication
One White Flint North
11555 Rockville Pike
Rockville, MD 20852