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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

1 SERVED MAR - 8 1995

ATOMIC SAFETY AND LICENSING BOARD

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, 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

MEMORANDUM AND ORDER
(Reopening of Mosbaugh Deposition)

On March 6, 1995, Georgia Power Company, et al., (Georgia Power) filed a "Motion to Reconvene Deposition of Allen Mosbaugh [Intervenor]" to which it attached an "In camera Memorandum In Support of Motion to Reconvene Deposition of Allen Mosbaugh." See 10 CFR §§ 2.740a, 2.718(d)-(f), 2.740(c), (d). The reason provided for making the Memorandum in camera is that it contains cross-examination materials that have an important element of surprise. After our review of these materials, we agree

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with this reasoning and will keep the materials *in camera* until after they are disclosed in the course of cross-examination.

Because the support for this motion is filed *in camera*, Intervenor is unable to file a meaningful response at this time. Accordingly, we have reviewed this motion without receiving a response from Intervenor. We find that, based on the record of this case, Georgia Power has substantiated its motion to reconvene the deposition of Allen Mosbaugh. We therefore shall order the reconvened deposition to be conducted on March 15 or March 16, as the parties may arrange. The scope of the deposition shall be limited to the matters raised in the *in camera* submission or reasonably related to that submission. Matters going beyond the permissible scope may not be used at the hearing.

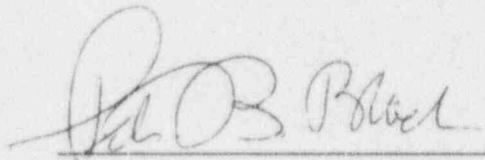
Unless directed otherwise by Georgia Power, we shall keep its submission *in camera*. However, Georgia Power's use of the reopened portion of the deposition at the hearing will depend on its ability to demonstrate, in the face of arguments of Intervenor, that it had adequate grounds for reopening the deposition or that the use of the reopened deposition is necessary for an adequate record in this case.

ORDER

For all the foregoing reasons and upon consideration of the entire record in this matter, it is this 7th day of March, 1995, ORDERED, that:

The deposition of Allen Mosbaugh shall be reconvened on March 15 or 16 at a place that the parties shall agree. The parties may change the date for this deposition by agreement.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

A handwritten signature in cursive script, appearing to read "Peter B. Bloch", is written over a horizontal line.

Peter B. Bloch
Chair

Rockville, Maryland

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

GEORGIA POWER COMPANY, ET AL.

(Vogtle Electric Generating Plant,
Units 1 and 2)

Docket No.(s) 50-424/425-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (MOSBAUGH DEPOSITION) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
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Washington, DC 20555

Administrative Judge
Peter B. Bloch, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
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Docket No.(s) 50-424/425-OLA-3
LB M&O (MOSBAUGH DEPOSITION)

C. K. McCoy
V. President Nuclear, Vogtle Project
Georgia Power Company
Post Office Box 1295
Birmingham, AL 35201

Dated at Rockville, Md. this
8 day of March 1995


Office of the Secretary of the Commission