

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

March 21, 1983

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Dockets 50-400 OL
50-401 OL

CERTIFICATION OF NEGOTIATIONS

Wells Eddleman hereby affirms that he has made the following efforts to resolve objections to Applicants' interrogatories dated 1-31-83, which are to be answered today under the Board's 3-10 Order:

1. I contacted Samantha Flynn, counsel for CP&L, and we have made arrangements for production of documents in 3 sets: ones I give CP&L a copy of to keep; ones I will send to CP&L (ordinarily for 24 to 48 hours, although I'm letting them have the first set for a week); and ones I will take more time to produce a copy for CP&L of, due to the need to prepare a copy from which my work product has been deleted. Flynn voiced no objection to my deleting my work product from documents. (conversation of 3-17-83 after about a week of trying to catch each other)

2. I contacted John O'Neill, counsel for CP&L, concerning my objections to the general interrogatories. We agreed that neither CP&L nor I will provide each other with copies of documents from NRC, but will instead identify the document and pages and identifier number which will enable the other party to order the document from NRC. Likewise, where I rely on a document originating from Applicants, or they rely on a document originating from me, we agree to simply identify the document and pages thereof sufficiently to find it. We agree to consult informally whenever information supplied per the above identi-

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fication agreement appears insufficient.

3. I raised with O'Neill my objection to providing the names of any persons who I may have consulted in answering interrogatories. On that, we reached an impasse. O'Neill believes Applicants have an unconditional right to this information in order to possibly call such person(s) as witnesses. I continue to believe, as set forth in my objections, that Applicants have no unconditional right to ^{obtain} such persons' identity, and that the conditions under which they might have such right are very narrowly limited by a showing (that the information and expertise on the subject involved are not otherwise available to them) which they ^{have not made and} probably cannot make. Therefore, I make the objections as stated in my response to Applicants' general interrogatories.

4. I agreed to consult with O'Neill on March 21 re any other objections I may have to specific interrogatories; ^{in this set} having only received the Board's 3-10-83 order on March 16, this is about as promptly as I could respond, since I was testifying the morning of March 17th in another case. Any such objections which are not resolved then will be noted in my responses to Applicants' First Set of Interrogatories.



Wells Eddleman

Please Note - the item on page 51 of the 3-21-83 response, which was formed too late to discuss on the 21st, will be negotiated promptly, on the 22nd, & the Board will be informed orally of the result. WSE