

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N. W.  
WASHINGTON, D. C. 20036

GEORGE F. TROWBRIDGE, P.C.

DOCKETED  
USNRC

'83 AUG 17 10:54

TELECOPIER  
(202) 822-1099 & 822-1199

OFFICE OF SECRETARY  
DOCKETING BRANCH  
82-2893 (SHAWLAW WSH)  
CABLE "SHAWLAW"

TELEPHONE  
(202) 822-1026

August 15, 1983

Administrative Judge Morton B. Margulies  
Chairman, Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge David L. Hetrick  
Atomic Safety and Licensing Board  
Professor of Nuclear Engineering  
University of Arizona  
Tucson, Arizona 85721

In the Matter of  
CAROLINA POWER & LIGHT COMPANY  
(H. B. Robinson Steam Electric Plant, Unit 2)  
Docket No. 50-261-OLA  
ASLBP No. 83-484-03LA

Gentlemen:

In connection with the Hartsville Group Motion to Compel Applicant Responses to Interrogatories and Requests to Produce Documents, dated July 11, 1983, I enclose copies of the following documents:

1. Letter agreement dated August 1, 1983, between counsel for Applicant and the representative of the Hartsville Group withdrawing the Hartsville Group motion to compel with respect to certain of the interrogatories and incorporating Applicant's commitments with respect thereto. The

8308180287 830815  
PDR ADOCK 05000261  
G PDR

DS03

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Administrative Judge Margulies  
Administrative Judge Kline  
Administrative Judge Hetrick  
August 15, 1983  
Page Two

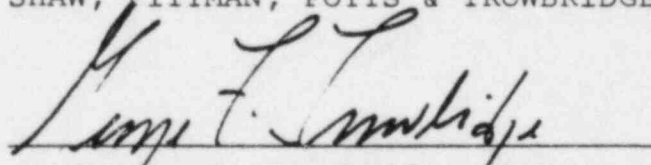
copy of the letter agreement which is enclosed has been signed only by Applicant's counsel. The representative of the Hartsville Group has assured Applicant's counsel, however, that he signed a copy of the agreement over a week ago and gave instructions for mailing a fully signed copy to Applicant's counsel. This mailing has not yet been received.

2. Applicant's answer to the Hartsville Group motion to compel with respect to the remaining interrogatories covered by the motion.

In addition to the items covered in the August 1 letter of agreement, Applicant has decided to withdraw its objection to Interrogatories 42 through 53 (Contention 3) contained in Hartsville Group's First Set of Interrogatories and will answer those interrogatories not later than August 30, 1983. Applicant's answer to the Hartsville motion to compel therefore does not address these interrogatories. Applicant's withdrawal of its objection is without prejudice to Applicant's right to object to introduction at the evidentiary hearing of the information sought by the interrogatories on the ground that the information is outside the scope of Hartsville Group's allowed contentions.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

  
George F. Trowbridge, P.C.

Enclosures

# SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N. W.

WASHINGTON, D. C. 20036

RAMSAY D. POTTS, P.C.  
STUART L. PITTMAN, P.C.  
GEORGE F. TROWBRIDGE, P.C.  
STEPHEN D. POTTS, P.C.  
GERALD CHARNOFF, P.C.  
PHILIP D. BOSTWICK, P.C.  
R. TIMOTHY HANLON, P.C.  
GEORGE M. ROGERS, JR., P.C.  
FRED A. LITTLE, P.C.  
JOHN S. RHINELANDER, P.C.  
BRUCE W. CHURCHILL, P.C.  
LESLIE A. NICHOLSON, JR., P.C.  
MARTIN D. KRALL, P.C.  
RICHARD J. KENDALL, P.C.  
JAY E. SILBERG, P.C.  
BARBARA M. ROSSOTTI, P.C.  
GEORGE V. ALLEN, JR., P.C.  
FRED DRASNER, P.C.  
R. KENLY WEBSTER, P.C.  
NATHANIEL P. BREED, JR., P.C.  
MARK AUGENBLICK, P.C.  
ERNEST L. BLAKE, JR., P.C.  
CARLETON S. JONES, P.C.  
THOMAS A. BAXTER, P.C.  
JAMES M. BURGER, P.C.  
SHELDON J. WEISEL, P.C.

JOHN A. McCULLOUGH, P.C.  
J. PATRICK HICKEY, P.C.  
GEORGE P. MICHAELY, JR., P.C.  
J. THOMAS LENHART, P.C.  
STEVEN L. MELTZER, P.C.  
DEAN D. AULICK, P.C.  
JOHN ENGEL, P.C.  
CHARLES S. TEMKIN, P.C.  
STEPHEN S. HUTTLER, P.C.  
WINTHROP N. BROWN, P.C.  
JAMES S. HAMLIN, P.C.  
RANDAL B. KELL, P.C.  
ROBERT E. ZAHLER, P.C.  
ROBERT B. ROBBINS, P.C.  
STEVEN M. LUCAS, P.C.  
DAVID M. RUBENSTEIN, P.C.  
RICHARD E. GALEN  
LYNN WHITTLESEY WILSON  
MATIAS F. TRAVIESO-DIAZ  
VICTORIA J. PERKINS  
JOHN H. O'NEILL, JR.  
JAY A. EPSTEIN  
RAND L. ALLEN  
TIMOTHY B. MCBRIDE  
ELISABETH H. PENDLETON  
HARRY H. GLASSPIEGEL

(202) 822-1000

TELECOPIER

(202) 822-1099 & 822-1199

RAPIDFAX 100

(202) 822-1072

TELEX

89-2693 (SHAWLAW WSH)

CABLE "SHAWLAW"

JOHN F. DEALY\*

COUNSEL

JEFFERY L. YABLON  
JACK MCKAY  
THOMAS H. MCCORMICK  
JOHN L. CARR, JR.  
PHILIP J. HARVEY  
ROBERT M. GORDON  
BARBARA J. MORGAN  
BONNIE S. GOTTLIEB  
HOWARD H. SHAFFERMAN  
DEBORAH S. SAUSER  
SCOTT A. ANENBERG  
CAMPBELL KILLEFER  
SETH H. MOOGASIAN  
SHEILA MCC. HARVEY  
DELISSA A. RIDGWAY  
KENNETH J. HALTMAN  
DAVID LAWRENCE MILLER  
FREDERICK L. KLEIN  
STEVEN P. PITLER\*  
RICHARD J. PARRINO  
ELLEN A. FREDERICK\*  
HANNAH E. M. LIEBERMAN  
SANDRA E. FOLSOM  
JUDITH A. SANDLER  
EDWARD D. YOUNG, III

ANDREW D. ELLIS  
RICHARD A. SAMP  
THOMAS E. CROCKER, JR.  
WENDELIN A. WHITE  
STANLEY M. BARG  
KRISTI L. LIMBO  
LESLIE K. SMITH  
VIRGINIA S. RUTLEDGE  
KATHERINE P. CHEEK  
JANICE LEHRER-STEIN  
TRAVIS T. BROWN, JR.  
RICHARD H. KRONTHAL  
STEPHEN S. HEIMANN  
SANDRA E. BRUSCA\*  
EILEEN L. BROWNELL  
PAMELA H. ANDERSON  
ALEXANDER D. TOMASZCZUK  
PHILIP D. PORTER  
MICHAEL A. SWIGER  
ELLEN SHERIFF  
ANITA J. FABIAN  
EILEEN M. GLEIMER  
DAVID R. SAHR  
C. BOWDOIN TRAIN  
\* NOT ADMITTED IN D.C.

August 1, 1983

WRITER'S DIRECT DIAL NUMBER

822-1026

B. A. Matthews  
The Hartsville Group  
P. O. Box 1089  
Hartsville, SC 29550

Dear Mr. Matthews:

This will confirm our telephone agreements with respect to a number of the Hartsville Group interrogatories to which Licensee objected and with respect to which Hartsville Group has filed a motion to compel. No agreements were reached with respect to the remainder of the interrogatories covered by the motion to compel, and Licensee will answer the motion to compel with respect to the remainder of the interrogatories.

General Interrogatory No. 1  
(Persons Answering Interrogatories).

Licensee answered and did not object to this interrogatory. The motion to compel is withdrawn.

General Interrogatory No. 2 (Witnesses).

Licensee has not yet identified any of its witnesses. As and when witnesses are selected Licensee will identify those witnesses to Hartsville Group and provide a brief written description

B. A. Matthews  
August 1, 1983  
Page Two

of the area of their testimony. In addition, as to any witness Licensee intends to qualify as an expert entitled to give opinion evidence and on whose opinions Licensee intends to rely, Licensee will provide the information sought by this interrogatory. Based on these commitments the motion to compel is withdrawn.

General Interrogatory No. 3 (Calculations).

Licensee withdraws its objection to this interrogatory and will respond by August 15, 1983, with respect to those calculations on which Licensee presently intends to rely. Licensee is unwilling to accept a blanket obligation to supplement its response but will entertain requests as to the existence of and its willingness to produce specific categories of additional calculations on which Licensee will rely. If Licensee is unwilling to produce such additional calculations, Licensee will not object on grounds of timeliness to a motion by Hartsville Group to the Licensing Board to require Licensee to supplement its answers to this interrogatory with respect to such calculations. Based on these commitments the motion to compel is withdrawn.

General Interrogatory No. 4 (Communications).

Licensee will by August 15, 1983, identify to Hartsville Group all documents (including memoranda of conversations and consultations) on which Licensee presently intends to rely. Licensee is unwilling to accept a blanket obligation to supplement its response but will entertain requests as to the existence of and its willingness to produce specific categories of additional documents on which Licensee will rely. If Licensee is unwilling to produce such additional documents, Licensee will not object on grounds of timeliness to a motion by Hartsville Group to the Board to require Licensee to supplement its answer to this interrogatory with respect to such documents. Based on these commitments the motion to compel is withdrawn.

Contention 1 - Interrogatory No. 31  
(Severity Level IV Violations).

Licensee will provide the full text of documents previously provided to Hartsville Group in answer to this interrogatory. Based on this commitment and Licensee's commitments below with respect to Interrogatory No. 35, Hartsville Group's motion to compel is withdrawn.

B. A. Matthews  
August 1, 1983  
Page Three

Contention 1 - Interrogatory No. 35  
(Violations).

Licensee withdraws its objections and will respond to this interrogatory, on the basis of a file search, by August 15, 1983, with respect to all violations or claims of violation since January 1, 1978. Licensee will provide to Hartsville Group copies of Licensee's responses identifying and responding to each violation. Based on this commitment the motion to compel is withdrawn.

Contention 2 - Interrogatories 1 through 114  
(Environmental Impact Statement).

Licensee agrees that in the event the NRC Staff fails to issue an EIS or the Licensing Board fails to strike Contention No. 2, Hartsville Group may renew its Contention 2 interrogatories and Licensee will not object on timeliness grounds to their renewal. Based on this commitment the motion to compel is withdrawn.

Contention 3 - Interrogatory 5  
(Reactor Embrittlement).

Because patent applications have now been filed covering matters contained in Licensee's letter to the NRC dated April 1, 1983, Licensee no longer considers the letter to be proprietary. Licensee will furnish a copy of the letter and its enclosure to Hartsville Group by August 15, 1983. Based on this commitment the motion to compel is withdrawn.

Contention 3 - Interrogatories Nos. 126 and 127  
(Supply Demand Forecasts).

Hartsville Group will review the materials already furnished by Licensee, including materials supplied in response to these interrogatories and to Interrogatories Nos. 158 through 160, to determine whether further data respecting PROMOD or Licensee's PROMOD calculations is required. If so Hartsville Group will request such data in follow-on interrogatories by August 1, 1983. If Licensee objects to or fails by August 15, 1983, to answer the follow-on interrogatories, Hartsville Group may by August 30, 1983, file a motion to compel Licensee to produce the data. Licensee will not object to such motion to compel on grounds of timeliness. Based on these commitments the motion to compel is withdrawn.

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

B. A. Matthews  
August 1, 1983  
Page Four

Contention 3 - Interrogatories Nos. 130 through 167  
(Attorney General Interrogatories).

Licensee will by August 15, 1983, furnish to Hartsville Group an affidavit stating that the answers provided to the Attorney General's interrogatories were true and correct to the best of affiant's knowledge, information and belief as of the date the same answers were provided to Hartsville Group. Based on this commitment the motion to compel is withdrawn.

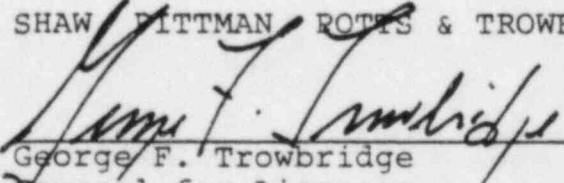
Contention 3 - Interrogatories Nos. 76,  
89, 90, 91, 92, 93, 94, 104, 105, 107, 108,  
109, 110, 118, 119 and 120 (Calculations  
and Studies Not Previously Performed).

Licensee objected to these interrogatories insofar as they called for new studies or calculations not previously performed. Licensee is unwilling to accept a blanket obligation to supplement its response but will entertain requests as to the existence of and its willingness to produce specific categories of new studies or calculations of the type requested in these interrogatories. If Licensee is unwilling to produce such new studies or calculations, Licensee will not object on grounds of timeliness to a motion by Hartsville Group to the Licensing Board to require Licensee to supplement its answers to these interrogatories with respect to such new studies or calculations. Based on these commitments the motion to compel is withdrawn.

If this letter accurately reflects our agreements, please so indicate by signing and returning the enclosed copy. Licensee's counsel will submit a copy of the signed agreement to the Licensing Board at the time Licensee submits its answer to Hartsville Group's motion to compel.

Sincerely,

SHAW PITTMAN POTTS & TROWBRIDGE

  
George F. Trowbridge  
Counsel for Licensee

Accepted:

Representative for Hartsville Group