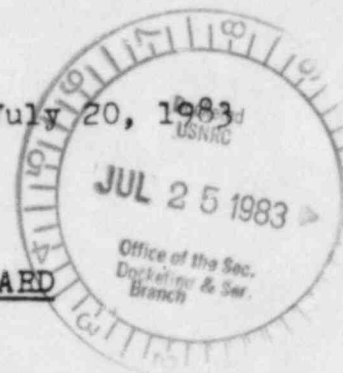


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

July 20, 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

ASLBP No. 82-L68-01  
OL

Wells Eddleman's Answer  
to Applicants' Response (qua "Answer") to Motion  
for Extension of Time re Second Round Interrogatories  
On Environmental Contentions

1. Re being "premature": As I understand it, a motion for extension of time must be filed before the time otherwise granted for action runs out. So I filed this motion before June 30, 1983, the last date for filing interrogatories on environmental contentions.<sup>1</sup>

2. Applicants' discussion of dates of filings appears accurate as far as it goes, but omits three other notices (all postcards per Judge Kelley's approval for this type of notice, with copies to Applicants and Staff and 3x to NRC docketing and service) of negotiations and much other negotiation with Applicants which I have carried on. For example, I negotiated with Hill Carrow (another attorney for Applicants) for about two hours (all the time he had) in late May re responses. That had been the first time he

<sup>1</sup>Attorney Baxter fails to note ("Answer" at 2) that the July 2 interrogatories were filed under an extension of time. Applicants' attorney Flynn told me she had to talk to him before OK'ing it and that he had approved it. It is also noted on the filing. I presume he is aware of it for these reasons.

and I could get together to negotiate. We also had a number of phone calls to set negotiating times. We agreed to negotiate again at the first mutually feasible date, June 13. At that time, Carrow agreed to supplement some responses and get back to me re others. These were only sent to me June 30, though it was clear Carrow and I had agreed that we were not done negotiating until I reviewed those responses. We discussed them on July 7 (again the first mutually feasible date) and I found that some followup questions would be useful, though the deadline for filing same had passed. Applicants' production of documents has often been very late, e.g. re Eddleman <sup>2</sup> 80.

3. As to diligence in pursuing discovery: I filed the first discovery in this proceeding. I filed my last first-round questions to Applicants on April 22. I think the record of my filings and responses shows diligence. Further, NRC rules, while requiring all parties to exercise their responsibilities in the hearing process, also require that the actual circumstances of a party be taken into account. I am only one person where Applicants have many attorneys and other personnel. I am attempting to deal with other issues in the proceeding also, in a timely fashion. I am also negotiating with Applicants when their attorneys are available and I am. I submit this is reasonable diligence for one person.

Applicants' 9-item list (page 5 of "Answer") is exactly what I seek to avoid by making this motion. Contrary to Applicants' implication (pp5-6), there have been no answers to most of the matters we have been negotiating, only objections. Where answers are incomplete or omitted, I think I am entitled to an answer without losing a round of discovery on those matters. Without an answer, it is hard or impossible to ask follow-up questions, usually impossible.

I hope the above facts and comments will assist the Board in coming to a decision on my motion of June 26.

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<sup>2</sup>The "hundreds of documents" were at neither place Applicants said they were, and were not assembled until June. The 29/37B documents still aren't produced, tho I understand they will be available July 22 in Raleigh, most of them.

*Wells Eddleman*  
Wells Eddleman