

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

83 AUG 18, 1983

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

Certificate of Negotiations
concerning Applicants' 5-27-83 response/objections
to Interrogatories on Eddleman 4r and 67
including Interrogs G8 & G9

*Please note: Applicants have agreed that interrogatories G8 and G9 in certain other sets of Eddleman interrogatories can be decided on the basis of the filing here. Timeliness objections to the use of these arguments with respect to other contentions are not to follow from a timeliness objection to this (attached) motion to compel. Each timeliness objection has to stand on its own and I have not agreed to apply timeliness objections that may be made on this set of interrogatories to any others, or to the issue of appropriateness of interrogatories G8 or G9 for any other set of interrogatories. The G8 and G9 discussed in the attached motion are those of 4-22-83 by me.

Applicants' response was served May 27, 1983. On June 1, 1983, Applicants' counsel O'Neill and I began negotiations on the answers and objections. I so notified the Board by card (per 3/10/83 order and oral order of Judge Kelley.)

It was my understanding then that Applicants would supplement their responses to certain interrogatories and clarify others; however, I cannot locate any such supplement/response, except as noted:

The interrogatories to get supplemental responses were 64-1(a), 64-2(a),(b), (c)(supplement received, letters from CP&L and GE to NRC re withdrawal of IF-300 cask from wet shipment service), 64-3(c)(as to method of calculation), 64-4(c)(reference only received) (e) (oral supplement that answer to 1(a) has not been changed); 64-6(d)(e)(f)(g)(h)(Applicants have not responded in writing but the oral answer is they don't know the answer to any of these) 64-9(e)(no firm commitment to supplement; 67-4(a)(i) and (ii) to answer those questions specifically (there was just one answer for (a))); (b) and (d), CP&L did not want to supply the documents but was going to answer in that fashion.

In addition we agreed that 64-7(a) was phrased wrongly and would have to be re-asked in a later set. It is my understanding (I have notes to this effect) that we also agreed to continue negotiating until (1) these updates were supplied and (2) I got time to look up the legal references in the objections to G8 and G9, which I did not accept. (Applicants' counsel later informed me he did not recall this and did not now agree to it -- I'll let them address that.) In addition to discussions of information in informal settlement negotiations (which I do not recall changing any of the above), I discussed the G8 and G9 matter with O'Neill first on 7-27 and then in more detail on 7-29-83. We were unable to reach agreement on those or any other objections (e.g. to 67-2 and 3 which were discussed on June 1). Except as noted above, we came to no agreements throughout this series of discussions.

The attached motion to compel is therefore due August 8. I affirm the above is true to the best of my knowledge & belief.

Wells
Wells
8-8-83