

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

8 February 1984

'84 FEB 13 A11:25

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of

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

Docket 50-400 OL

ASLBP No. 82-468-01  
OL

Request for Expedited Ruling on Timeliness of Applicants'  
2-7-84 "Motion for Summary Disposition of  
Eddleman 83/84B "

Applicants filed this motion without any advance discussion with me. I was at the CP&L offices yesterday afternoon, delivering discovery documents for Hill Carrow and Dale Hollar. I spoke with Hollar. He didn't mention this motion; the possibility hadn't occurred to me that it might appear, so I didn't ask him about such a motion.

rather than claim it's timely (motion, p.6)  
It seems to me that the Applicants should have moved for the Board's leave to file such a motion. They could have done so informally, after simple telephone or letter consultation with me. If they had asked, or negotiated with me, I might well have agreed. In view of the Board's firmness with intervenors about meeting deadlines, the deadline for summary disposition being September 1, 1983 for 83/84, and the amount of discovery and other work I'm having to do between now and the due date (March 5) for any response to this motion and its extensive affidavits, I request an expedited ruling (informally by card or telephone will be fine for me) on the timeliness of the above-named motion so that I'll know if I need to respond to it.

I am notifying Applicants Feb 9 (I opened my mail after normal business

hours on Feb. 8) that this is being sent to the Board, Staff & Applicants. I respectfully request leave to serve it to other parties later, in my next major mailing, to save postage; it doesn't affect them.

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PDR ADOCK 05000400  
G PDR

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NUCLEAR REGULATORY COMMISSION

In the matter of CAROLINA POWER & LIGHT CO. Et al. )  
Shearon Harris Nuclear Power Plant, Units 1 and 2 )

Docket 50-400  
O.L.

CERTIFICATE OF SERVICE

I hereby certify that copies of Request for Expedited Ruling on  
Timeliness of Applicants' 2-7-84 Motion for Summary Disposition  
of Eddleman 83/843  
HAVE been served this 8 day of February 1984, by deposit in  
the US Mail, first-class postage prepaid, upon all parties whose  
names are listed below, except those whose names are marked with  
an asterisk, for whom service was accomplished by inclusion  
with next mailing, for all parties not directly affected; leave to  
do this is requested in the above-named document.

Judges James Kelley, Glenn Bright and James Carpenter (1 copy each)  
Atomic Safety and Licensing Board  
US Nuclear Regulatory Commission  
Washington DC 20555

George F. Trowbridge (attorney for Applicants)  
Shaw, Pittman, Potts & Trowbridge  
1800 M St. NW  
Washington, DC 20036

Ruthanne G. Miller  
ASLB Panel  
USNRC Washington DC 20555

Office of the Executive Legal Director  
Attn Dockets 50-400/401 O.L.  
USNRC  
Washington DC 20555

\*Phyllis Lotchin, Ph.D.  
108 Bridle Run  
Chapel Hill NC 27514

Docketing and Service Section (3x)  
Attn Dockets 50-400/401 O.L.  
Office of the Secretary  
USNRC  
Washington DC 20555

\*Dan Read  
CHANGE/FLP  
5707 Waycross  
Raleigh, NC 27606

\* John Runkle  
CCNC  
307 Granville Rd  
Chapel Hill NC 27514

\*Dr. Linda W. Little  
Governor's Waste Mgt. Bd.  
513 Albemarle Bldg.  
325 N. Salisbury St.  
Raleigh, NC 27611

\* Travis Payne  
Edelstein & Payne  
Box 12607  
Raleigh NC 27605

\* Robert Gruber  
Exec. Director  
Public Staff  
Box 991  
Raleigh NC 27602

Bradley W. Jones  
USNRC Region II  
101 Marietta St.  
Atlanta GA 30303

\* Richard Wilson, M.D.  
729 Hunter St.  
Apex NC 27502

Certified by

W. Eddleman