

February 14, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 FEB 15 A11:06

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
and NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

APPLICANTS' MOTION FOR EXTENSION OF
TIME TO RESPOND TO EDDLEMAN DISCOVERY
REQUESTS ON HIS CONTENTION 65

Applicants hereby move for an extension of time to respond to "Wells Eddleman's General Interrogatories and Interrogatories on Contention 65 to Applicants Carolina Power & Light et al. (Seventh Set)," dated January 30, 1984, unless and until the Board serves an order granting Mr. Eddleman's "Motion for Extension of Time to Respond to Summary Disposition on Eddleman 65 until Second Round of Discovery is Completed," dated January 30, 1984. The discovery requests would be deemed served on the date of service of any such Board order.

On January 18, 1984, Applicants served a motion for summary disposition of Eddleman 65. Mr. Eddleman's answer was due on February 13, 1984. Rather than address Applicants' motion, on January 30, 1984, Mr. Eddleman filed a motion to extend the time for him to file an answer until he completes another round of discovery, including resolution of any discovery disputes. Mr. Eddleman contemporaneously filed a

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26-page set of discovery requests, to which Applicants' response, at least to the interrogatories, would be due on February 21, 1984.

Applicants have opposed Mr. Eddleman's motion for extension of time to answer the summary disposition motion, and the Staff's response to Mr. Eddleman's motion will be due on February 21. If Mr. Eddleman had answered Applicants' motion and the Board granted summary disposition of Eddleman 65, there would obviously be no additional discovery on the contention. If Applicants, on the other hand, were to respond to Mr. Eddleman's discovery requests on February 21, he would have received nearly all of the relief he seeks from the mere passage of time and without Board sanction since the Board will not have ruled on the Eddleman motion by February 21. Therefore, this motion is necessary to preserve the status quo. Applicants should only be required to respond to the additional discovery requests if Mr. Eddleman's motion for extension of time is granted on its own merits.

Applicants have discussed this motion with Mr. Eddleman and Staff counsel Barth. Mr. Eddleman takes the position that as long as discovery is open, it cannot be curtailed by the filing of a summary disposition motion. Nevertheless, he has authorized Applicants to represent that he agrees to the relief sought in this motion in order to avoid "a fuss." Mr. Eddleman agreed to a similar extension of time for the Staff to respond to "2d Round Discovery to NRC Staff on

Eddleman 65," dated January 30, 1984. Mr. Barth authorized Applicants to represent that the Staff has no objection to this motion as long as the Staff receives the same extension.

Respectfully submitted,

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Dated: February 14, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer to Wells Eddleman's Motion for Extension of Time to Respond to Summary Disposition on Eddleman 65 Until Second Round of Discovery is Completed" with attachment and "Applicants' Motion for Extension of Time to Respond to Eddleman Discovery Requests on His Contention 65" were served this 14th day of February, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties identified on the attached Service List.



Thomas A. Baxter, P.C.

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