

RELATED CORRESPONDENCE

February 22, 1984  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 FEB 24 A11:15

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

CAROLINA POWER & LIGHT COMPANY )  
AND NORTH CAROLINA EASTERN )  
MUNICIPAL POWER AGENCY )

(Shearon Harris Nuclear Power Plant, )  
Units 1 & 2) )

Docket Nos. 50-400 OL  
50-401 OL

APPLICANTS' RESPONSE TO WELLS EDDLEMAN'S REQUEST FOR EXPEDITED  
RULING ON TIMELINESS OF APPLICANTS' 2-7-84 "MOTION FOR SUMMARY  
DISPOSITION OF EDDLEMAN 83/84B"

Applicants filed their Motion for Summary Disposition of Eddleman Contention 83/84B on February 7, 1984. The following day, Mr. Eddleman served his "Request for Expedited Ruling on Timeliness" of that Motion. Mr. Eddleman has until March 5 to file his response to Applicants' Motion.

Mr. Eddleman begins his pleading by complaining that Applicants did not consult with him prior to filing their summary disposition motion. However, there is no provision in the Commission regulations (see 10 C.F.R. § 2.149) regarding Motions for Summary Disposition, nor regarding motions in general, which requires such consultation prior to filing a motion.

Applicants object to the implication of Mr. Eddleman's pleading that Applicants are required to consult with Mr. Eddleman prior to filing any motion. Mr. Eddleman has never consulted with Applicants prior to making any of his numerous motions filed in this action and Applicants find it somewhat remarkable that he would place such an unfair burden on the Applicants.

The substance of Mr. Eddleman's filing is his request that a separate and expedited ruling on the timeliness of Applicants motion be made by the Board. Applicants have demonstrated the timeliness of their motion in arguments stated therein. As Applicants have shown, this

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motion significantly precedes the environmental proceedings currently set for June 5 in this action. In a conference call of February 16, 1984, regarding Security Plan contentions, the Board stated that it was unsure that even the June 5 date would stand. Thus, Applicants' motion is substantially in advance of any hearing and, as is the purpose of Motions for Summary Disposition, will make for an expeditious and efficient resolution of the issue.

Applicants object to the nature of Mr. Eddleman's request to the Board. All parties in this proceeding are required by the Commission rules to respond (if a response is intended) to various filings by opposing parties within a limited amount of time. Mr. Eddleman's request would put a halt to the orderly process of these proceedings and, in effect, would ask the Board to rule on objections of Mr. Eddleman prior to his having to make the effort required to prepare a response. It is not unrealistic to expect that if adjudication of the issue were allowed to proceed in this manner and if the first objection did not succeed, then a second would be tried, and a third, and so on, thus postponing indefinitely Mr. Eddleman's responsibility to prepare a response and completely disrupting the orderly and efficient nature of the entire adjudicatory process. Such a process would effectively shift a great deal of Mr. Eddleman's burden and would, in fact, be an imposition upon the Licensing Board in having to rule seriatim on Mr. Eddleman's objections.

The proper recourse for Mr. Eddleman is to include all his objections to Applicants' motion within his response thereto. The Board can then review the entire documentation related to the motion and can rule on all issues raised in an expeditious manner, thereby avoiding a piecemeal ruling on each separate point as Mr. Eddleman would request.

Therefore, Applicants respectfully request that the Board fully consider the Applicants' Motion for Summary Disposition of 83/84B and require the response of Mr. Eddleman as provided for in the rules no later than March 5, 1984.

This the Monday of February, 1984.

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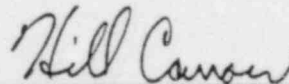
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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Wells Eddleman's Request for Expedited Ruling on Timeliness of Applicants' 2-7-84 'Motion for Summary Disposition of Eddleman 83/84B'" were served this 22nd day of February, 1984 by deposit in the United States mail, first class, postage prepaid, to the parties on the attached Service List.



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Dated: February 22, 1984

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