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A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

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WRITER'S DIRECT DIAL NUMBER

April 18, 1984

822-1090

Mr. Wells Eddleman  
718-A Iredell  
Durham, North Carolina 27705

In the Matter of  
Carolina Power & Light Company and North  
Carolina Eastern Municipal Power Agency  
(Shearon Harris Nuclear Power Plant, Units 1 and 2)  
Docket Nos. 50-400 and 50-401 OL

Dear Mr. Eddleman:

Applicants are in receipt of your "Notice of Depositions," dated April 10, 1984. We were able to determine, although the Notice does not so state, that your Contention 65 is the subject matter addressed by the Notice.

This is to inform you that Applicants object to the proposed depositions, and that I have advised the persons named in your Notice not to appear. The bases for this position are that:

1. The Notice does not comply with 10 C.F.R. § 2.740a.
2. On March 8, 1984, the Board granted your motion of January 30, 1984, to defer answering Applicants' motion for summary disposition of Eddleman 65 pending receipt of responses to a 26-page, second-round set of discovery requests which accompanied the motion. (Those responses were filed on March 23, 1984.) The Board did not, however, grant you leave to conduct further discovery on Contention 65.

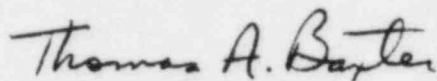
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SHAW, PITTMAN, POTTS & TROWBRIDGE  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Mr. Wells Eddleman  
April 18, 1984  
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3. The Board's Memorandum and Order (Reflecting Decisions Made Following Second Prehearing Conference) at 7 (March 10, 1983), set March 15, 1984 as the last day for filing discovery requests on Contention 65. Therefore, your Notice of Depositions is untimely.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Baxter".

Thomas A. Baxter  
Counsel for Applicants

TAB:jah

cc: Service List attached

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

\*84 APR 19 A11:02

In the Matter of )

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

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

OFFICE OF SECRETARY  
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BRANCH 50-401 OL

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