

December 21, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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,
Unit 1)

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Wells Eddleman's Response to Applicants 12-11-84
"Motion to Receive Additional Evidence (Eddleman Contention 41)"

This is a motion to reopen the record. Applicants state (Motion, p.3 and p.4) there is no substantive change from the testimony at hearing in either of their proposed Exhibits 27 and 28. Applicants knew, or at least should have known, that these matters were being prepared, when they did not object to the record being closed on Contention 41. If they made any attempt to ask the record be left open to receive these documents at that time, their Motion does not reflect it. *See Tr. 7359-7366.*

Therefore Applicants bear the same burden to reopen that an intervenor would: They have to show their new information would likely change the outcome of the case, and was not available at the close of the record. They appear to show nothing re availability of this information at the close of the record, though it came from CP&L; they admit there's nothing significant new in it. Therefore their Motion should be denied. I have no objection to making these proposed Exhibits marked offers of proof, but Applicants' own statement is that they add nothing to the record, effectively.

Wells Eddleman
Wells Eddleman