

RAS 2284

DOCKETED  
10/15/00

From: <John.O'Neill@shawpittman.com>  
To: <gpb@nrc.gov>, <psl@nrc.gov>, <tdm@nrc.gov>, <slu@...>  
Date: Sun, Oct 15, 2000 3:15 PM  
Subject: Docket No. 50-400-LA; ASLBP No. 99-762-02-LA: BCOC's Motion to Extend Schedule and Request for Expedited Consideration

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Applicant would like to bring to the attention of the Board the following information as it considers BCOC's Request for Expedited Consideration of the attached motion filed on Friday, October 13, 2000:

1. Seven depositions are scheduled during the last week of discovery, beginning tomorrow, October 16th, through Friday, October 20th. This would be a difficult week for the parties to address BCOC's motion.
2. Applicant would not be opposed to a schedule for responding to BCOC's motion, either in writing or by conference call with counsel and the Board, early during the week of October 23rd.
3. Counsel for Applicant brings to the Board's attention a personal conflict: I will be out of the country for a family wedding from October 26 through November 3. This event was scheduled well before EC-6 was admitted and was brought to the attention of counsel for BCOC early in the discovery process. This is one of many reasons that we insisted that Applicant would not entertain an extension to the schedule for discovery. Counsel for BCOC agreed in writing not to request an extension to the discovery schedule in return for a number of concessions, as set forth in a signed letter agreement on discovery (a copy of which counsel for BCOC attached with the subject motion). CP&L's modest delay in providing copies of almost 10,000 pages of documents and oversized drawings and the delays with the NRC PDR (with the previously publicized move) were certainly not "extraordinary, unforeseen circumstances," which would justify a breach of the agreement of counsel.

Respectfully submitted,

John H. O'Neill, Jr.  
Counsel for Applicant, Carolina Power & Light Company

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Template = SECY-043

SECY-02

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
CAROLINA POWER & LIGHT COMPANY ) Docket No. 50-400-LA  
 )  
(Shearon Harris Nuclear Power Plant) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing E-MAIL FROM JOHN H. O'NEILL, JR. TO ASLBP RE BCOC'S MOTION TO EXTEND SCHEDULE AND REQUEST FOR EXPEDITED CONSIDERATION have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
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Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Peter S. Lam  
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Docket No. 50-400-LA  
E-MAIL FROM JOHN H. O'NEILL, JR.  
TO ASLBP RE BCOC'S MOTION TO  
EXTEND SCHEDULE AND REQUEST FOR  
EXPEDITED CONSIDERATION

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of October 2000