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WRITER'S DIRECT DIAL NUMBER

January 14, 1983

822-1090

James L. Kelley, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Administrative Judges Kelley, Bright and Carpenter:

In its Memorandum and Order (Addressing Motions for Reconsideration and Clarification of the Board's Prehearing Conference Order), January 11, 1983, the Atomic Safety and Licensing Board announced its belief that it would be useful at this juncture to convene a second prehearing conference, primarily for the purpose of discussing discovery and scheduling questions. The Board also scheduled a telephone conference for January 21, 1983.

In order to facilitate the discussion on January 21, I will report to the Board now on the status of discussions held by the parties on the scheduling of discovery on environmental contentions. A meeting of Applicants and four intervenors took

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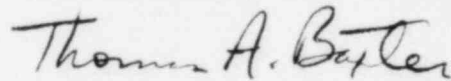
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Mr. Glenn O. Bright
Dr. James H. Carpenter
January 14, 1983
Page Two

place in Raleigh on January 6, 1983. Enclosed are my minutes of that meeting and my letter to the attendees, dated January 10, 1983.

We had intended to report to the Board on these discussions as soon as they were completed.

Respectfully submitted,



Thomas A. Baxter
Counsel for Applicants

TAB:jah

Enclosures

cc: Service List attached

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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
OF SERVICE
BRANCH
Docket Nos. 50-400 OL
50-401 OL

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Dr. James H. Carpenter Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	* Dr. Richard D. Wilson 729 Hunter Street Apex, North Carolina 27502
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	Dr. Phyllis Lotchin 108 Bridle Run Chapel Hill, North Carolina 27514

* without enclosures

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January 10, 1983 822-1090

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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 OL and 50-401 OL

Dear Messrs. Payne, Runkle, Read and Eddleman:

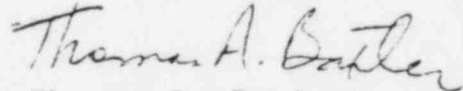
Enclosed are my minutes of our meeting of last week. Please review my statement of our agreements and telephone Samantha Flynn (836-7707) with any comments. Concurrently, John O'Neill will discuss the agreements with NRC Staff counsel Charles Barth and ascertain whether the Staff will join in the stipulation. We will then prepare and file an informal memorandum of understanding (approved by you) with the Licensing Board. I propose we avoid the time and expense of passing around a single document for everyone to sign.

M. Travis Payne, Esquire
John D. Runkle, Esquire
Mr. Daniel F. Read
Mr. Wells Eddleman
January 10, 1983
Page Two

I would like to add to the memorandum of understanding a stipulation that the following contentions are "environmental" and subject to the schedule agreement:

- Joint Contention II
- CCNC 4, 12 and 14
- CHANGE 9 and 79(c)
- Eddleman 15, 22A&B, 29 & 30, 37B, 75, 80, 83 & 84
- Wilson 1a-d, 1e-f3, and 1g

Sincerely,



Thomas A. Baxter
Counsel for Applicants

TAB:jan

Enclosure

cc: Dr. Richard D. Wilson
Charles A. Barth, Esquire
Samantha Francis Flynn, Esquire

MEETING MINUTES

January 6, 1983, 9:30 a.m.

Legal Department Conference Room, Carolina Power & Light Co.

Parties represented: Applicants
Kudzu Alliance
Conservation Council of North Carolina
CHANGE/ELP
Wells Eddleman (participated by telephone)
(Dr. Wilson was invited, but was unable
to attend.)

The purpose of the meeting was to discuss voluntary arrangements the parties might undertake to manage and facilitate the discovery process in the NRC operating license proceeding on the Shearon Harris Nuclear Power Plant.

The discussion focused, for the most part, on environmental matters, in recognition of the NRC Staff's review schedule set forth in the December 28, 1982 letter from NRC to CP&L, which calls for the issuance of a draft environmental statement on February 21, 1983.

The parties agreed that prior to addressing motions for extensions of time to the Licensing Board, the parties would first seek from each other any needed extension of the discovery response times specified in the NRC's regulations (14 days for interrogatories, 30 days for document production requests).

The parties agreed that the intervenors sponsoring the Joint Contentions would pose consolidated discovery requests on those contentions, and that they would attempt to prepare consolidated responses to discovery requests on those contentions.

The parties agreed to a limit of two rounds of discovery on any given contention, absent good cause, and without waiving the opportunity to pursue motions to compel discovery if they are warranted.

Applicants, Kudzu, CCNC and CHANGE/ELP agreed upon the following discovery schedule for environmental contentions:

June 30, 1983 -- last day for filing discovery requests on contentions currently admitted by ASLB.

July 29, 1983 -- last day for filing responses to discovery on contentions currently admitted by ASLB.

90 days after relevant
ALSB order admitting
contentions --

last day for filing discovery requests
on new/deferred contentions based on
NRC Staff's draft environmental
statement.

120 days after relevant
ASLB order admitting
contentions --

last day for filing responses to dis-
covery on new/deferred contentions
based on NRC Staff's draft environ-
mental statement.

It was agreed that the schedule stipulation does not waive the opportunity to pursue motions to compel discovery if they are warranted. Mr. Eddleman indicated that he would like to give further consideration to the matter of joining in the schedule stipulation. It was also agreed that the schedule does not apply to requests for admission.

Applicants advised the intervenors present that Applicants may pursue summary disposition early (i.e., prior to the close of discovery) on the following contentions:

- Joint II, IV, V, VI, and VII (3 & 4)
- CCNC 12 and 14
- CHANGE 44 and 79(c)
- Eddleman 9, 11, 15, 22A&B, 37B, 41, 45, 65, 75, 80, 83 and 84
- Wilson 1a-d, 1e-f3, and 1g

The purpose of the notification by Applicants was to alert the intervenors that should Applicants actually seek summary disposition of any of the listed contentions prior to the close of discovery Applicants would assert to the ASLB that any failure by intervenors to pursue discovery on those contentions is not an adequate defense to a motion for summary disposition.

Applicants agreed to provide an identification of the currently admitted contentions Applicants consider to be "environmental" and which would therefore be covered by the schedule stipulation.