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1800 M STREET, N. W.
WASHINGTON, D. C. 20036

'83 MAR 24 AIO:58

RAMSAY D. POTTS, P.C.
STUART L. PITTMAN, P.C.
GEORGE F. TROWBRIDGE, P.C.
STEPHEN D. POTTS, P.C.
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PHILLIP D. BOSTWICK, P.C.
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WINTHROP N. BROWN, P.C.
JAMES B. HAMLIN, P.C.
RANDAL B. KELL, P.C.
ROBERT E. ZAHLER, P.C.
ROBERT B. ROBBINS, P.C.
STEVEN M. LUCAS, P.C.
DAVID M. RUBENSTEIN, P.C.
RICHARD E. GALEN
LYNN WHITTLESEY WILSON
MATIAS F. TRAVIESO DIAZ
VICTORIA J. PERKINS
JOHN H. O'NEILL, JR.
JAY A. EPSTIEN
RAND L. ALLEN
TIMOTHY B. McBRIDE
ELISABETH M. PENDLETON
HARRY H. GLASSPIEGEL

(202) 822-1000
—
TELECOPIER
(202) 822-1099 & 822-1199
—
RAPIFAX 100
(202) 822-1075
—
TELEX
89-2693 (SHAWLAW WSH)
—
CABLE "SHAWLAW"
—
JOHN F. DEALY*
COUNSEL

JEFFERY L. YABLON
JACK MCKAY
THOMAS H. MCCORMICK
JOHN L. CARR, JR.
PHILIP J. HARVEY
ROBERT M. GORDON
BARBARA J. MORGAN
BONNIE S. GOTTLIEB
HOWARD H. SHAFFERMAN
DEBORAH B. BAUSER
SCOTT A. ANENBERG
CAMPBELL KILLEFER
SETH H. HOOGLASIAN
SHEILA MCC. HARVEY
DELISSA A. RIDGWAY
KENNETH J. HAUTMAN
DAVID LAWRENCE MILLER
FREDERICK L. KLEIN
STEVEN P. PITLER*
RICHARD J. PARRINO
ELLEN A. FREDL*
HANNAH E. M. LIEBERMAN
SANDRA E. FOLSOM
JUDITH A. SANDLER
EDWARD D. YOUNG, III

ANDREW D. ELLIS
RICHARD A. SAMP
THOMAS E. CROCKER, JR.
WENDELIN A. WHITE
STANLEY M. BARG
KRISTI L. LIMBO
LESLIE K. SMITH
VIRGINIA S. RUTLEDGE
KATHERINE P. CHEEK
JANICE LEHRER-STEIN
TRAVIS T. BROWN, JR.
RICHARD H. KRONTHAL
STEPHEN B. HEIMANN
SANDRA E. BRUSCA*
EILEEN L. BROWNELL
PAMELA H. ANDERSON
ALEXANDER D. TOMASZCZUK
PHILIP D. PORTER
MICHAEL A. SWIGER
ELLEN SHERIFF
ANITA J. FABIAN
EILEEN M. GLEIMER
DAVID R. S...R
C. BOWDOIN TRAIN
* NOT ADMITTED IN D.C.

WRITER'S DIRECT DIAL NUMBER

March 23, 1983

822-1090

M. Travis Payne, Esquire
Edelstein and Payne
P.O. Box 12643
Raleigh, North Carolina 27605

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 Travis:

In its February 10, 1983 Memorandum and Order (Concerning Prehearing Conference of February 24, 1983), the Atomic Safety and Licensing Board suspended the deadline for responding to outstanding discovery requests, including "Applicants' Interrogatories and Request for Production of Documents to Joint Intervenors (First Set)," dated January 31, 1983. The Board, at the prehearing conference of February 24, 1983, set March 10, 1983, as the new deadline for CHANGE/ELP, CCNC, Kudzu and Mr. Eddleman to respond to these discovery requests on some of the joint contentions.

Based upon my understanding from the intervenors that you were coordinating the filing of responses to this set of discovery requests, I telephoned your office on March 15, 1983 in an effort to determine why we had not received a response. I was unable to reach you, and you did not return my call. We still have received no response to the discovery

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SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

M. Travis Payne, Esquire
March 23, 1983
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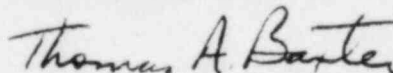
requests. Based upon telephone messages you have left with my co-counsel, Mrs. Flynn, however, we let the deadline pass (Monday, March 21), for filing a motion to compel discovery. Your message stated that additional time had been required to prepare the discovery responses, which would be filed on Wednesday, March 23.

We agreed at our meeting in January to consult with each other in an attempt to reach agreement prior to seeking a formal extension of time from the Board. Now the Board requires such consultation prior to filing a motion to compel discovery. See Memorandum and Order (Reflecting Decisions Made Following Second Prehearing Conference), March 10, 1983, at 11.

I am sure that you were unable to contact Applicants' counsel to discuss an extension of time because of the press of business. I understand that problem only too well. I am also sure you understand, however, why it is important for us to communicate and attempt to reach a mutual understanding on discovery schedules and disputes. This will ensure that needless motions to compel are avoided, and that we can plan for and schedule the use of information received through the discovery process.

Thank you for your continued cooperation.

Sincerely yours,



Thomas A. Baxter
Counsel for Applicants

TAB:jah

cc: Service List attached

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY) Docket Nos. 50-400 OL
AND NORTH CAROLINA EASTERN) 50-401 OL
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power)
Plant, Units 1 and 2))

SERVICE LIST

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

Charles A. Barth, Esquire
Myron Karman, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Daniel F. Read, President
Chapel Hill Anti-Nuclear Group Effort
P.O. Box 524
Chapel Hill, North Carolina 27514

John D. Runkle, Esquire
Conservation Council of North Carolina
307 Granville Road
Chapel Hill, North Carolina 27514

M. Travis Payne, Esquire
Edelstein and Payne
P.O. Box 12643
Raleigh, North Carolina 27605

Dr. Richard D. Wilson
729 Hunter Street
Apex, North Carolina 27502

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

Ms. Patricia T. Newman
Mr. Slater E. Newman
Citizens Against Nuclear Power
2309 Weymouth Court
Raleigh, North Carolina 27612

Richard E. Jones, Esquire
Vice President & Senior Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Dr. Phyllis Lochin
108 Bridle Run
Chapel Hill, North Carolina 27514

Deborah Greenblatt, Esquire
1634 Crest Road
Raleigh, North Carolina 27606

Bradley W. Jones, Esquire
U.S. Nuclear Regulatory Commission
Region II
101 Marrietta Street
Atlanta, Georgia 30303

Ruthanne G. Miller, Esquire
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555