

DOCKET

'99 JUL 22 P3:51 July 21, 1999

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
CAROLINA POWER & LIGHT)	Docket No. 50-400-LA
COMPANY)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA

**APPLICANT'S REQUEST FOR ORAL ARGUMENT TO INVOKE SUBPART K
HYBRID HEARING PROCEDURES AND PROPOSED SCHEDULE**

Pursuant to the provisions of 10 C.F.R. § 2.1109(a) and the Board's "Memorandum and Order (Ruling on Standing and Contentions)," LBP-99-25, slip op. at 26-27 (July 12, 1999), Applicant Carolina Power & Light Company hereby requests an oral argument and requests that further proceedings in this matter be conducted in accordance with the procedures set forth in Subpart K of 10 C.F.R. Part 2 (10 C.F.R. §§ 2.1101, et seq.).

In order to facilitate issuance of the Board's ruling and scheduling order pursuant to 10 C.F.R. § 2.1109(b), the Applicant proposes the following schedule for discovery and subsequent oral argument with respect to the admitted contentions. The Applicant has discussed this proposed schedule with both the NRC staff counsel and the counsel for the Board of Commissioners of Orange County ("BCOC"). NRC staff counsel concurs

with the proposed schedule. Counsel for BCOC was unable to either agree or disagree with the proposed schedule due to the unavailability this week of one of BCOC's experts.

Based on the scheduling requirements in Subpart K, the Applicant recommends the following schedule for discovery and the subsequent oral argument.

- Discovery Begins July 29, 1999 (one day after projected Order)¹
- Discovery Ends October 27, 1999 (90 days after discovery begins)²
- Written Summaries Filed³ November 29, 1999 (33 days after discovery ends)
- Oral Argument December 14, 1999 (15 days after summaries filed)⁴

Respectfully submitted,



John H. O'Neill, Jr.
William R. Hollaway
SHAWPITTMAN
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8000
Counsel For CAROLINA POWER &
LIGHT COMPANY

Of Counsel:
Steven Carr
Legal Department
CAROLINA POWER & LIGHT
COMPANY
411 Fayetteville Street Mall
Post Office Box 1551 – CPB 13A2
Raleigh, North Carolina 27602-1551
(919) 546-4161

Dated: July 21, 1999

¹ In order to present a schedule with actual dates, the Applicant has assumed that the Board will issue an Order ruling on the request for oral argument on or before July 28, 1999.

² Subpart K anticipates that all discovery will be completed within 90 days. 10 C.F.R. § 2.1111; see also LBP-99-25, slip op. at 26.

³ A detailed written summary of all the facts, data, and arguments on which the party proposes to rely at the oral argument. 10 C.F.R. § 2.1113(a). Summaries are to be simultaneously filed by all parties. Id.

⁴ Oral argument is to be held 15 days after written summaries are filed. 10 C.F.R. § 2.1113(a).

DOCK FILED
JUL 22 1999

'99 JUL 22 P3:51

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
CAROLINA POWER & LIGHT)	Docket No. 50-400-LA
COMPANY)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Request for Oral Argument to Invoke Subpart K Hybrid Hearing Procedures and Proposed Schedule," dated July 21, 1999, was served on the persons listed below by U.S. mail, first class, postage prepaid, and by electronic mail transmission, this 21st day of July, 1999.

G. Paul Bollwerk, III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: gpb@nrc.gov

Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: fjs@nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: psl@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)


Susan L. Uttal, Esq.
Richard G. Bachmann, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: harris@nrc.gov

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

James M. Cutchin, V, Esq.
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: jmc3@nrc.gov

* by mail only



William R. Hollaway