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April 28, 1983

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

Mr. Glen 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:

At the time of the Board's Second Prehearing Conference in this proceeding, held in Raleigh, North Carolina, Intervenor had one proposed expert, John Maples, to review the security plan of the Applicants. In the Board's Memorandum and Order (Reflecting Decisions Made Following Second Prehearing Conference), the Board required Intervenor to file with the Applicants and NRC staff, a resume for each proposed expert and a brief statement of the area of expertise for which the expert was to be offered, by March 18, 1983. On March 21, 1983, Intervenor filed and served brief resumes and/or copies of correspondence concerning eight more proposed experts - for a total of nine (one additional resume was included of a proposed alternate).

After subsequent discussions among counsel for the Applicants, NRC staff, and Intervenor concerning the most efficient and convenient manner of taking the depositions of this large number of experts, it was agreed that the depositions of the personnel of Safeguards International, Inc. of Fayetteville would be taken in Fayetteville on Monday, April 18, 1983, and on days thereafter if necessary, and that depositions of the personnel of Special Security International would be taken the following Monday, April 25, in the office of Carolina Power & Light Company in Raleigh. The April 18 starting date was in accord with the Board's Memorandum and Order. Accordingly, appropriate Notices to Take Deposition were filed and served, which memorialized the above agreements, on April 6, 1983. Counsel for the Applicants, NRC staff, and Intervenor, have now essentially concluded these depositions.

The Board's Memorandum and Order requires that NRC staff and Applicants' briefs on qualifications of the Intervenor's proposed experts be filed and served by May 10, 1983, and that Intervenor's file required briefs on the proposed experts' qualifications by May 23, 1983. Discussions have been held among counsel for the Applicants, NRC staff and Intervenor's, and it has been determined that due to the large number of proposed experts having to be deposed, and the necessity of scheduling several of the depositions approximately one week subsequent to the Board's scheduled deposition date of April 18, each of the parties requires some additional time within which to submit the required briefs. The parties request, therefore, that the Board allow the deadlines related to briefs on proposed security plan experts to be slipped one week.

This would require the staff and Applicants to file their briefs on the qualifications of Intervenor's proposed experts by May 17, 1983, and would require Intervenor's to file required briefs by May 31, 1983.

It is hoped that the Board will be agreeable to this arrangement, as it causes very little delay in the schedule as previously established by the Board, but affords the parties necessary time to adequately prepare their briefs. If this does not meet with the satisfaction of the Board, please let me know and I will inform the other parties accordingly.

Sincerely,

Hill Carrow

Hill Carrow
Attorney

bjl

cc: Mr. Charles A. Barth
Ms. Deborah Greenblatt
Docketing and Service Section ✓
U.S. Nuclear Regulatory Commission

Further Note:

A problem which arose during the course of the deposition of John Mackie on April 25th may or may not cause further complications of this schedule. On that date, the deposition of Mr. Maples was taken from 9:30 a.m. until 12:00 noon. Thereafter, Mr. Mackie was brought in and Attorney Greenblatt for the first time informed all present that Mr. Mackie had to leave shortly after 2:00 p.m. Mr. Barth's questions lasted until approximately 2:00 p.m. and as counsel for Applicants was preparing to proceed, Counsel Greenblatt said Mackie was going to leave. There was a discussion between Counsels Greenblatt and Carrow to see if the problem could be resolved at that time. It could not, and Mackie departed with counsel for Applicants objecting to his departure in the middle of a noticed deposition, and, stating he had approximately two hours worth of questions for Mr. Mackie. Applicants' position is that Mackie should be considered to have been voluntarily withdrawn, unless and until he returns to Raleigh within a short period of time to complete said deposition. Applicants will attempt to resolve this problem informally as they believe the Board would prefer; however, if some resolution cannot be reached, it may be necessary to request an appropriate ruling at that time.