

June 27, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

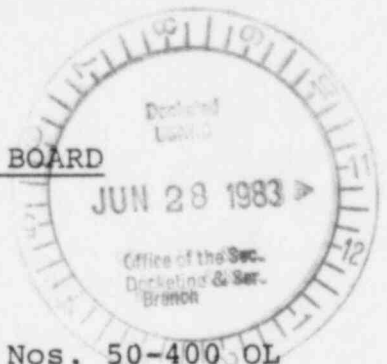
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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
50-401 OL



APPLICANTS' MOTION TO ESTABLISH A
SCHEDULE FOR RESPONSES TO INTERVENOR
EDDLEMAN'S PLEADING ON THE STAFF'S DES

In its Memorandum and Order (Ruling on Cost Savings Contentions, Discovery Disputes, and Scheduling Matters), at 25 (May 27, 1983), the Atomic Safety and Licensing Board directed that proposed contentions based on new information contained in the Staff's Draft Environmental Statement and revisions of or positions on deferred contentions are due June 16, 1983, and that responses to such filings are due July 1, 1983.

On June 20, 1983, intervenor Wells Eddleman filed a document entitled "Wells Eddleman's Response to Staff DEIS," which was received in the offices of Applicants' Washington counsel on June 23.^{1/} The 32-page pleading appears to raise new contentions, to resurrect in various ways previously

^{1/} Mr. Eddleman indicates that on June 8 he received an extension of time from the Board Chairman, apparently by telephone. Applicants have not received DES filings from any other party.

DS03

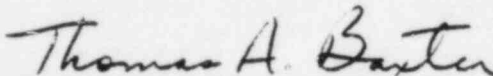
deferred or rejected contentions, and to discuss already admitted contentions.

Applicants are finding the Eddleman pleading very difficult to understand, and extensive research of previous pleadings and Board rulings will be required in order to begin to consult with Applicants' technical personnel and to prepare an intelligent response. In these circumstances, the previously established schedule of July 1 does not provide an adequate opportunity for the preparation of replies.

Applicants move that July 8 be established as the deadline for filing responses to the Eddleman DES filing. This delay, attributable in part to the delay in receiving Mr. Eddleman's filing, should not interfere with any plans the Board may have to entertain discussion of these matters at the prehearing conference scheduled for July 20-21, 1983.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


Thomas A. Baxter, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion to Establish a Schedule for Responses to Intervenor Eddleman's Pleading on the Staff's DES" were served this 27th day of June, 1983 by hand delivery upon the parties identified by an asterisk and by deposit in the U.S. mail, first class, postage prepaid, to the other parties on the attached Service List.

Thomas A. Baxter
Thomas A. Baxter, P.C.

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