

August 17, 1984

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 ) Docket No. 50-400 OL  
 Power Agency )  
 )  
 )  
 (Shearon Harris Nuclear Power )  
 Plant, Unit 1) )

JOINT INTERVENORS' REQUEST FOR SUBPOENAS  
FOR JOINT CONTENTION 1 (MANAGEMENT CAPABILITY)

After reviewing Applicants' and Staff's proffered witnesses for the hearing on Joint Contention 1 (Management Capability), Joint Intervenors would subpoena the witnesses listed below under 10 CFR 2.720. We have attached filled-in subpoenas to Judge Kelley's copy for his signature and also provided copies to Applicants and Staff. If any of the other parties on the service list require copies of these subpoenas at this time, please contact Joint Intervenors' Counsel.

Please note that although we are requiring attendance of each witness on the first day of the hearing, September 5, we of course will cooperate fully to schedule each witness at a mutually convenient time and date over the course of the hearings.

We have attached subpoenas for the following witnesses:

- 1) Sherwood Smith, CP&L
- 2) J.A. Jones, formerly with CP&L, now retired
- 3) Ronnie Coats, CP&L
- 4) Benny Furr, CP&L

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- 5) Floyd Cantrell, NRC Staff
- 6) James P. O'Reilly, NRC Staff
- 7) George Maxwell, NRC Staff
- 8) R.C. Lewis, NRC Staff

Each of the above has personal knowledge and experience at the Shearon Harris construction site and/or with the management practices of Carolina Power & Light Company.

Per 10 CFR 2.740, Staff witness may not be subpoenaed without a showing of exceptional circumstances. After reviewing Mr. Bemis's testimony, we find the Staff's proffering only one witness in this matter to be unreasonable. Mr. Bemis only has experience with CP&L management only during the last two years and has no personal knowledge of what has occurred before that time. Analysis of the period from the 1979 remand hearings is critical to the proper litigation of this contention. Indeed, one of the most important findings in the 1979 Remand hearings was that Staff was to investigate CP&L's capability to manage another nuclear power plant after their history of problems, violations, outages, and fines at their other reactors.

We are subpoenaing Floyd Cantrell because of his extensive testimony on management at the 1979 Remand hearings. His testimony then was based on direct knowledge he gained as an inspector of the plant and he has continued his familiarity of occurrences at the CP&L nuclear plants. Mr. Cantrell can testify in several areas which Mr. Bemis or any of the Applicants' witnesses cannot.

James P. O'Reilly, as the head of NRC Staff in Region II, receives reports from all of the inspectors and has been able to develop the most complete picture of the Applicants' management. Mr. O'Reilly was also

instrumental in recommending the fines, particularly the 1983 fine for \$600,000, for various violations at the Applicants' nuclear power plants. Additionally, Mr. O'Reilly can also compare the management ability of the Applicants with other similar companies in the Southeast. Again, Mr. Bemis cannot do this.

We are subpoenaing George Maxwell as he is one of the day-to-day inspectors at the Harris Plant and has experience of the Applicants' management in the field. He has also been at the plant fairly long and can testify to changes over time. Mr. Maxwell has cited Applicants for various violations and can testify to specific corrective actions taken. Again, Mr. Bemis cannot testify to any of this based on personal knowledge.

R.C. Lewis is the Director of Project and Research Programs (DPRR) and was the chairman of the 1982 Report by the SALP committee. The Systematic Assessment of Licensee Performance reports have looked closely at CP&L management. Mr. Lewis's testimony is crucial in order to look at draft reports and committee recommendations. These reports need to be fleshed out; the insights of Mr. Lewis would be helpful in doing this.

Again, we would be willing to accomodate busy schedules and to develop a time certain for the testimony of the above witnesses.

We are also negotiating with officials from the North Carolina Attorney General's office and the North Carolina Utilities Commission Public Staff. We will nto subpoena these witnesses without their full acquiescence. We may also request a subpoena for additional witnesses, especially for rebuttal.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Runkle".

John Runkle

Counsel for Joint Intervenors (Management)

This is the 17th day of August, 1984

CERTIFICATE OF SERVICE

I hereby certify that copies of JOINT INTERVENORS' REQUEST FOR SUBPOENAS FOR JOINT CONTENTION 1 (MANAGEMENT CAPABILITY) were served on the following by deposit in the U.S. Mail, first class postage prepaid, or by hand-delivery on this 17th day of August, 1984.

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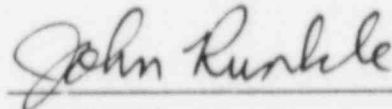
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John Runkle  
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(Management Contention)

This is the 17th day of August, 1984

\*\*originals to be signed  
\* copies