

June 13, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

In the Matter of )  
 )  
CAROLINA POWER & LIGHT COMPANY )  
and NORTH CAROLINA EASTERN )  
MUNICIPAL POWER AGENCY )  
 )  
(Shearon Harris Nuclear Power )  
Plant) )

Docket No. 50-400 OL

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APPLICANTS' MOTION TO ESTABLISH A  
SCHEDULE FOR THE ADJUDICATION OF CCNC  
CONTENTION WB-3 (DRUG ABUSE DURING CONSTRUCTION)

In its Memorandum and Order (Ruling on Contentions Concerning Diesel Generators, Drug Use and Harassment at the Harris Site) at 8 (March 13, 1985), the Board established May 1, 1985 as the last day to serve interrogatories, and as the deadline for completion of all other discovery, on CCNC Contention WB-3 (Drug Abuse During Construction). Discovery among the parties has been concluded, but at present no schedule has been established to complete the adjudication of this safety contention.

Applicants hereby move the Board to issue an order establishing the following schedule for CCNC Contention WB-3:

July 12, 1985: Last day for Applicants to file a motion for summary disposition;

August 6, 1985: Last day for NRC Staff to respond to Applicants' motion;

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August 16, 1985: Last day for CCNC to respond to Applicants' motion and the Staff response;

August 30, 1985: Board communicates its ruling on Applicants' motion;

September 9, 1985: Simultaneous filing of testimony and exhibits of all parties if Applicants' motion<sup>1</sup> is denied in whole or in part;<sup>1</sup>

September 24, 1985: Commencement of evidentiary hearing if Applicants' motion<sup>2</sup> is denied in whole or in part.<sup>2</sup>

This proposal seeks to take advantage of the efficiency and economy which would result from hearing CCNC WB-3, if it is necessary to do so, at the same time the hearing is held on the remaining emergency preparedness (and the only other pending) contention. At the same time, it provides an opportunity for the summary disposition process to be pursued, and ample time for the parties to prepare their cases given the completion of discovery in May. Further, Applicants submit that the public interest warrants an expeditious resolution of any contention which questions the integrity of the ongoing construction of the Shearon Harris plant.

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1/ Testimony and exhibits on the siren contention (Eddleman 57-C-3) are due on September 3, 1985. Additional time to prepare testimony on CCNC WB-3 may be necessary, however, to enable the parties to react to the Board's summary disposition ruling.

2/ Evidentiary hearings on the siren contention (Eddleman 57-C-3) are tentatively scheduled to commence on September 24, 1985. Any hearing on CCNC WB-3 could commence on September 24 or immediately after Eddleman 57-C-3 is tried.

The undersigned has consulted with counsel for the NRC Staff on the schedule proposed in this motion, and has been authorized to represent that the Staff has no objection to the schedule. Given CCNC's "Motion to Stay Proceedings on Contention WB-3 (Drug Abuse)," dated May 24, 1985, Applicants have not consulted with counsel for CCNC.

Respectfully submitted,

*Thomas A. Baxter*

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Dated: June 13, 1985