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June 6, 1985

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'85 JUN 10 A10:36

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

APPLICANTS' MOTION FOR EXTENSION OF
TIME TO ANSWER CCNC MOTION TO STAY
PROCEEDINGS ON CONTENTION WB-3 (DRUG USE)

On May 24, 1985, intervenor Conservation Council of North Carolina filed with the Board a "Motion to Stay Proceedings on Contention WB-3 (Drug Abuse)." Pursuant to 10 C.F.R. § 2.730(c), Applicants' response to this motion would be due on or before June 10, 1985. Applicants hereby move for an extension until June 14, 1985, of the time period for filing an answer to the CCNC motion.

The extension requested is necessary to enable Applicants' counsel to ascertain factual information which may be relevant to the CCNC motion. The CCNC motion seeks a stay of "proceedings" on the drug abuse contention until the resolution of certain criminal proceedings in North Carolina. The undersigned, who is personally representing Applicants on this matter, had scheduled efforts to marshal the facts on the status of these

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cases, but has been unavoidably diverted to a nearly around-the-clock effort to answer emergency stay motions before a U.S. Court of Appeals involving another NRC proceeding.

While efforts today to contact Mr. Runkle, counsel for CCNC, to discuss this motion have been unsuccessful, Applicants submit that CCNC could not be prejudiced by the four-day extension. Discovery on Contention WB-3 is complete, but there is no established schedule for further litigative events on this contention, so that a stay of impending deadlines for CCNC is not at issue. In effect, there is nothing to be stayed for the moment. (Applicants intend to address the schedule for adjudication of this contention at the same time they answer the CCNC motion.)

Counsel for the NRC Staff has been consulted and has no objection to the grant of this motion.

Respectfully submitted,



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Dated: June 6, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion for Extension of Time to Answer CCNC Motion to Stay Proceedings on Contention WB-3 (Drug Use)" were served this 6th day of June, 1985, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

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

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