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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
and NORTH CAROLINA EASTERN) Docket No. 50-400 OL
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power)
Plant))

APPLICANTS' STATEMENT OF MATERIAL
FACTS AS TO WHICH THERE IS NO
GENUINE ISSUE TO BE HEARD
(CCNC CONTENTION WB-3)

Pursuant to 10 C.F.R. § 2.749(a), Applicants state, in support of their Motion for Summary Disposition of CCNC Contention WB-3 (Drug Abuse During Construction), that there is no genuine issue to be heard with respect to the following material facts:

1. Approximately 26,000 personnel have been employed at the Harris Project since January, 1978.
2. Drug abuse in the workplace is a societal problem in the United States.
3. Total elimination of drug activity at a construction site is not practically achievable.
4. Applicants have adopted firm policies to deter drug use at the Harris Project.

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5. Applicants have undertaken reasonable efforts to implement those policies effectively at the Harris Project.

6. Applicants have a reasonably effective capability to identify violators of the drug abuse policies.

7. Applicants have terminated or otherwise removed from the project employees who violate the drug abuse policies.

8. No employee has been identified as having performed safety-related work while physically impaired due to the influence of drugs.

9. No safety-significant construction deficiency has been identified as being caused by an employee impaired due to the influence of drugs.

10. The Quality Assurance program for construction of the Shearon Harris Nuclear Power Plant has the same capability to identify any safety-significant construction deficiency caused by any employee impaired due to the influence of drugs, as it does to identify such deficiencies from other causes.

11. There has been no breakdown in quality assurance procedures, and no pervasive failure to carry out the quality

assurance program, at the Shearon Harris Nuclear Power Plant.

Respectfully submitted,

Thomas A. Baxter

Thomas A. Baxter
SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1090

Richard E. Jones
Dale E. Hollar
CAROLINA POWER & LIGHT COMPANY
411 Fayetteville Street Mall
Raleigh, North Carolina 27602
(919) 836-6517

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