

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

800 M STREET, N. W.
WASHINGTON, D. C. 20036

(202) 822-1000

RAMSAY D. POTTS, P.C.
STUART L. PITTMAN, P.C.
GEORGE F. TROWBRIDGE, P.C.
STEPHEN D. POTTS, P.C.
GERALD CHARNOFF, P.C.
PHILLIP D. BOSTWICK, P.C.
R. TIMOTHY HANLON, P.C.
GEORGE M. ROGERS, JR., P.C.
FRED A. LITTLE, P.C.
JOHN B. RHINELANDER, P.C.
BRUCE W. CHURCHILL, P.C.
LESLIE A. NICHOLSON, JR., P.C.
MARTIN D. KRALL, P.C.
JAY E. SILBERG, P.C.
BARBARA M. ROSSOTTI, P.C.
GEORGE V. ALLEN, JR., P.C.
FRED DRASNER, P.C.
R. KENLY WEBSTER, P.C.
NATHANIEL P. BREED, JR., P.C.
MARK AUGENBLICK, P.C.
ERNEST L. BLAKE, JR., P.C.
CARLETON S. JONES, P.C.
THOMAS A. BAXTER, P.C.
SHELDON J. WEISEL, P.C.
J. PATRICK HICKEY, P.C.
J. THOMAS LENHART, P.C.
STEVEN L. MELTZER, P.C.
DEAN D. AULICK, P.C.
JOHN ENGEL, P.C.
C. THOMAS HICKS III, P.C.
ROBERT E. COHN
CHARLES B. TEMKIN, P.C.
STEPHEN B. HUTTNER, P.C.
WINTHROP N. BROWN, P.C.
JAMES B. HAMLIN, P.C.

RANDAL B. KELL, P.C.
B. SCOTT CUSTER, JR.
ROBERT E. ZAHLE, P.C.
ROBERT B. ROBBINS, P.C.
STEVEN M. LUCAS, P.C.
DAVID M. RUBENSTEIN, P.C.
MATIAS F. TRAVIESO DIAZ, P.C.
VICTORIA J. PERKINS, P.C.
JOHN H. O'NEILL, JR., P.C.
JAY A. EPSTEIN, P.C.
JEFFERY L. YABLON, P.C.
JACK MCKAY, P.C.
HARRY H. GLASSMANN
THOMAS H. MCCORMICK
WILLIAM P. BARR
ELISABETH M. PENDLETON
CHARLES H. MONTAGNE
JEAN M. GALLOWAY
JOHN L. CARR, JR.
PHILIP J. HARVEY
ROBERT M. GORDON
BONNIE S. GOTTLIEB
HOWARD H. SHAFFERMAN
DEBORAH B. BAUSER
SCOTT A. ANENBERG
CAMPBELL KILLEFER
PAUL M. THOMAS
JOHN M. BRYSON, II*
GEORGE F. ALBRIGHT, JR.*
DAVID J. CYNAMON
JACK A. HORN
LOUISE A. MATHEWS
SETH H. HOGGASIAN
SHEILA MCC HARVEY
DELISSA A. RIDGWAY

SEP 24 11:29
TELECOPIER
(202) 822-1099 & 822-1199

RAPIFAX 100
(202) 822-1072

TELEX
892693 (SHAWLAW WSH)
CABLE SHAWLAW

VIRGINIA OFFICE
1501 FARM CREDIT DRIVE
MCLEAN, VIRGINIA 22102
(703) 790-7900

JOHN F. DEALY*
RICHARD S. BEATTY
ROBERT E. CONN
COUNSEL

KENNETH J. HAUTMAN
DAVID LAWRENCE MILLER
FREDERICK L. KLEIN
STEVEN P. PITLER
RICHARD J. PARRINO
ELLEN A. FREDEL
MARIE N. DOLAND*
THOMAS C. HILL
L. DUANE CHEEK
MICHAEL K. MADDEN
RALPH A. TAYLOR JR.
HANNAH E. M. LIEBERMAN
JUDITH A. SANDLER
ANDREW D. ELLIS
RICHARD A. SAMP
THOMAS E. CROCKER, JR.
PETER J. FERRARA
HELEN TORELLI
MARTHA BOONE ROWAN**
KENNETH R. MILLER
JOHN H. MORE
PAUL S. PILECKI
PAUL A. GAUKLER*
WENDELIN A. WHITE
STANLEY M. BARG
LESLIE K. SMITH
TRAVIS T. BROWN, JR.
STEPHEN B. HEIMANN
PAMELA H. ANDERSON
ALEXANDER D. TOMASZCZUK
JEFFREY J. A. GIBBS
LAURENCE W. COHEN
DEREK W. LINDEN

SYLVIA M. LOTRECK
JEFFREY R. SNYDER*
DARYL ANNE LANDER
PHILIP D. PORTER
MICHAEL A. SWIGER
ELLEN SHERIFF
ANITA J. FINKELSTEIN
DAVID R. SAHR
C. BOWDOIN TRAIN
JEFFREY W. KAMPELMAN
KENNETH A. GALLO
DAVID R. LEWIS
A. PATRICK LEIGHTON III
JEFFREY G. BERMAN
KEVIN FLYNN
E. SUE SPRAGUE
KENNETH D. AUERBACH
ALAN D. WASSERMAN
RICHARD K. A. BECKER*
WILBERT WASHINGTON II
DOROTHEA W. OICKERMAN
JONATHAN T. CAIN
DOUGLAS L. HILLEBOE
RICHARD I. ANSBACHER*
JOYCE L. OLIVER
THOMAS J. CATLIOTA
EVANS HUBER
JUDY WEISBURGH
ETHAN J. FRIEDMAN
PAUL M. BANGSER*
ROSE ANN SULLIVAN*
BARBARA S. HANNIGAN*
JOSEPH E. KENDALL
ROBERT M. DI GIOVANNI
JOHN N. NASSIKAS III*
DIANE S. SHAPIRO*

* NOT ADMITTED IN D.C.
* ADMITTED IN VIRGINIA

WRITER'S DIRECT DIAL NUMBER

September 23, 1985

(202) 822-1090

James L. Kelley, Esquire
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Carolina Power & Light Company and North
Carolina Eastern Municipal Power Agency
(Shearon Harris Nuclear Power Plant)
Docket No. 50-40006

Administrative Judges Kelley, Bright and Carpenter:

Pursuant to the Board's Order (Concerning Time, Place and Other Matters Related to Hearing on Drug Use Contention), dated September 18, 1985, enclose are copies of the following direct testimony Applicants intend to present at the hearing commencing September 30, 1985:

8509260133 850923
PDR ADOCK 05000400
T PDR

DSO3

Atomic Safety and Licensing Board

September 23, 1985

Page 2

1. Applicants' Testimony of Peter B. Bensinger, John D. Ferguson, Garry W. Flowers and A. Reid Pannill on Drug Abuse Control Policies and Training (CCNC Contention WB-3);
2. Applicants' Testimony of William J. Hindman, Jr., Michael W. King, D. Glenn Joyner, Michael L. Plueddemann and Peter B. Bensinger on the Undercover Drug Investigation (CCNC Contention WB-3);
3. Applicants' Testimony of William J. Hindman, Jr., Michael W. King, D. Glenn Joyner and Peter B. Bensinger on the Assessment of Employee Drug Activity (CCNC Contention WB-3);
4. Applicants' Testimony of Dana B. Mackonis and Kenneth A. Mathias on Use of Drug Detection Dogs (CCNC Contention WB-3); and,
5. Applicants' Testimony of Thomas W. Brombach on Conam Inspection Activities (CCNC Contention WB-3).

The testimony will be presented in the order of the above listing.

Applicants will also offer the following exhibits, each of which is discussed in the testimony of the first panel, as part of their direct case:

- ° Company Drug and Alcohol Statement of Practice and Drug and Alcohol Interdepartmental Procedure
- ° CP&L Drug and Alcohol Abuse Reference Manual
- ° Contract article amendment (Drug and Alcohol Abuse Policy)
- ° CP&L Supervisor's Reference Manual, Drug and Alcohol Abuse
- ° CP&L Drug and Alcohol Awareness and Supervisory Training Program
- ° Videotape Session, Drug and Alcohol Abuse Refresher Training

Atomic Safety and Licensing Board

September 23, 1985

Page 3

- ° Procedure TSD-SH-207, Security Actions/
Illegal Drugs and Other Contraband
Materials
- ° Procedure DCC-PE-510, Security Actions/
Illegal Drugs and Other Contraband Materials
- ° Daniel memorandum, Drug and Alcohol Abuse
Policy
- ° Supervisory Drug Awareness Program, General
Outline
- ° Controlled Substances: Use, Abuse and Effects

These exhibits were previously served upon the Board and parties with Applicants' Motion for Summary Disposition of CCNC Contention WB-3 (Drug Abuse During Construction), dated July 12, 1985. They appear as Attachments B through F to the Affidavit of John D. Ferguson, Attachment B to the Affidavit of William J. Hindman, Jr., and Attachments C through G to the Affidavit of A. Reid Pannill and Garry W. Flowers.

There appear to be a large number of witnesses to be heard. Applicants are anxious to complete this phase of the hearing before CCNC's counsel becomes unavailable. Consequently, we will be prepared for longer hearing sessions, if desired, and for hearing sessions beyond October 4.

Respectfully submitted,

Thomas A. Baxter

Thomas A. Baxter
Counsel for Applicants

TAB:jah

Enclosure

cc: Per Certificate of Service

September 23, 1985

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)	Docket No. 50-400 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the testimony listed in the foregoing letter from Applicants' counsel to the Board were served this 23rd day of September, 1985, by hand delivery to those identified by an asterisk, by Express Mail to those identified with two asterisks, and by deposit in the U.S. mail, first class, postage prepaid, to the other parties identified on the attached Service List.

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

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))

Docket No. 50-400 OL

SERVICE LIST

* James L. Kelley, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* John D. Runkle, Esquire
Conservation Council of
North Carolina
307 Granville Road
Chapel Hill, North Carolina 2751

* Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

M. Travis Payne, Esquire
Edelstein and Payne
P.O. Box 12607
Raleigh, North Carolina 27605

* Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Richard D. Wilson
729 Hunter Street
Apex, North Carolina 27502

* Charles A. Barth, Esquire
Janice E. Moore, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

** Mr. Wells Eddleman
806 Parker Street
Durham, North Carolina 27701

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard E. Jones, Esquire
Vice President and Senior Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Mr. Daniel F. Read, President
CHANGE
P.O. Box 2151
Raleigh, North Carolina 27602

Dr. Linda W. Little
Governor's Waste Management Board
513 Albemarle Building
325 North Salisbury Street
Raleigh, North Carolina 27611

** Bradley W. Jones, Esquire
U.S. Nuclear Regulatory Commission
Region II
101 Marrietta Street
Atlanta, Georgia 30303

Mr. Robert P. Gruber
Executive Director
Public Staff - NCUC
P.O. Box 991
Raleigh, North Carolina 27602

Administrative Judge Harry Foreman
Box 395 Mayo
University of Minnesota
Minneapolis, Minnesota 55455

* H. A. Cole, Jr., Esquire
Special Deputy Attorney General
200 New Bern Avenue
Raleigh, North Carolina 27601