



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 18, 1985

Ben B. Hayes, Director
Office of Investigations
Room E-433
East West Towers/South

Re: Shearon Harris Operating
License Proceeding
Docket No. 50-400-0L

Dear Mr. Hayes:

As you know, a contention concerning drug use at the Harris site is pending before this Licensing Board. The Board recently denied a motion for summary disposition and the matter is set for an evidentiary hearing to commence on September 30, 1985. In the course of establishing hearing dates, the Intervenor Conservation Council of North Carolina (CCNC) stated its understanding that your office "is independently investigating this matter with assistance from the N. C. State Bureau of Investigation and the local law enforcement agencies." CCNC Motion to Postpone Hearing, p. 1. CCNC moved that the evidentiary hearing be postponed so that the Staff and ultimately the hearing record would have the benefit of your investigations. In discussing the postponement motion, the Board and parties were also aware of your participation in the September 5, 1985 meeting with representatives of Carolina Power & Light concerning drug use at Shearon Harris. You indicated then that your office would play an investigative role, but the scope of that role was somewhat unclear. Tr. 41, 70-71.

Based on the information available to us and having weighed the relevant factors, the Board decided to proceed to evidentiary hearing without waiting for the results of any investigation you may undertake about drug use at Shearon Harris. The contention has been available for investigation by the parties for many months, discovery is complete, and the Applicants' anticipated fuel load date is approaching. In these circumstances, the Board considers it prudent to proceed, subject to the possibility that your activities may later uncover relevant information that could require reopening of the record. In the meantime, however, and in the interest of coordination between our on-the-record proceeding and your activities, please provide us with the following information (and keep us apprised of subsequent developments):

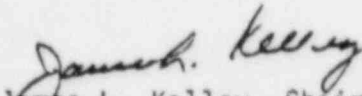
- (1) Does your office have any ongoing investigations or other activities in progress concerning drug use at Shearon Harris?
- (2) If so, what is the scope of those investigations or activities?

(3) Approximately when do you expect those investigations or activities to be completed?

(4) Subject to any need to protect confidential sources, will the results of those investigations or activities be made available to the Board and parties in this case?

Thank you for your cooperation.

Sincerely,


James L. Kelley, Chairman
Shearon Harris OL Board