

098

TSA

February 13, 1986
DOCKETED
SNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'86 FEB 18 AIO:19

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF
DOCKETING & SERVICE
BRANCH

In the Matter of)

CAROLINA POWER AND LIGHT)
COMPANY AND NORTH CAROLINA)
EASTERN MUNICIPAL POWER)
AGENCY)

Docket Nos. 50-400 OL
50-401 OL

GRANTED

(Shearon Harris Nuclear Power Plant,)
Units 1 and 2))

For the Appeal Board

C. Jean Diermeyer 2-14-86
Secretary to the Appeal Board

NRC STAFF MOTION FOR EXTENSION OF
TIME TO FILE SUPPLEMENTAL BRIEF
REGARDING CCNC CONTENTIONS 16, 17, AND 18

The NRC Staff moves the Atomic Safety and Licensing Appeal Board to extend to Monday, February 24, 1986, the time for all parties to file their supplemental briefs regarding CCNC Contentions 16, 17, and 18.

At the conclusion of oral argument on February 5, 1986 on the Appeal from the Licensing Board's Partial Initial Decision on Safety Issues dated August 20, 1985, the Appeal Board requested that the parties address by February 19, 1986, whether CCNC Contentions 16, 17, and 18 are barred from litigation before the Licensing Board by collateral estoppel (Tr. 63).

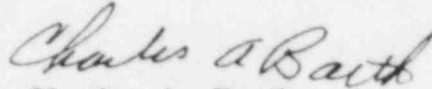
The Staff Counsel responsible for answering the Appeal Board's question has been ill and thus will be unable to complete the Staff's response by the date for its filing. Therefore the Staff requests an extension of time until Monday, February 24 for all parties to file their

8602190359 860213
PDR ADOCK 05000400
G PDR

D502

supplemental briefs. Undersigned Counsel has obtained the agreement of CCNC and the Applicants to this request for an extension of time.

Respectfully submitted,

A handwritten signature in cursive script, reading "Charles A. Barth".

Charles A. Barth
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 13th day of February, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

| | | |
|--------------------------------------|---|-----------------------|
| In the Matter of |) | |
| |) | |
| CAROLINA POWER AND LIGHT |) | |
| COMPANY AND NORTH CAROLINA |) | Docket Nos. 50-400 OL |
| EASTERN MUNICIPAL POWER |) | 50-401 OL |
| AGENCY |) | |
| |) | |
| (Shearon Harris Nuclear Power Plant, |) | |
| Units 1 and 2) |) | |

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENTION OF TIME TO FILE SUPPLEMENTAL BRIEF REGARDING CCNC CONTENTIONS 16, 17, AND 18" in the above-captioned proceeding have been served on the following by deposit in the United States mail first class, or (*) through deposit in the Nuclear Regulatory Commission's internal mail system, this 13th day of February, 1986:

James L. Kelley, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Richard D. Wilson, M.D.
729 Hunter Street
Apex, NC 27502

Mr. Glenn O. Bright*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Travis Payne, Esq.
723 W. Johnson Street
P.O. Box 12643
Raleigh, NC 27605

Dr. James H. Carpenter*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Linda Little
Governor's Waste Management Building
513 Albermarle Building
325 North Salisbury Street
Raleigh, NC 27611

Daniel F. Read
CHANGE
P.O. Box 2151
Raleigh, NC 27602

John Runkle, Esq. Executive Coordinator
Conservation Counsel of North Carolina
307 Granville Rd.
Chapel Hill, NC 27514

Steven Rochlis
Regional Counsel
FEMA
1371 Peachtree Street, N.E.
Atlanta, GA 30309

Atomic Safety and Licensing Appeal
Board Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

✓ Wells Eddleman
806 Parker Street
Durham, NC 27701

Richard E. Jones, Esq.
Associate General Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, NC 27602

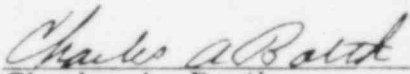
H. Joseph Flynn, Esq.
Associate General Counsel
Office of General Counsel
FEMA
500 C Street, S.W. Rm 840
Washington, DC 20472

Bradley W. Jones, Esq.
Regional Counsel, USNRC, Region II
101 Marietta St., N.W. Suite 2900
Atlanta, GA 30323

✓ Thomas A. Baxter, Esq.
John H. O'Neill, Jr., Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, DC 20036

Atomic Safety and Licensing Board
Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

H. A. Cole, Jr., Esq.
Special Deputy Attorney General
Antitrust Division
Office of Attorney General
200 New Bern Avenue
Raleigh, NC 27601

✓ 
Charles A. Barth
Counsel for NRC Staff

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'86 FEB 18 AIO:19

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Thomas S. Moore, Chairman
Dr. Reginald L. Gotchy
Howard A. Wilber

February 14, 1986

In the Matter of)
)
)

CAROLINA POWER AND LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)
)

Docket Nos. 50-400 OL
50-401 OL

(Shearon Harris Nuclear Power)
Plant, Units 1 and 2))
)
)

CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of February, 1986, I mailed a copy of the Appeal Board's grant by stamp endorsement of the NRC Staff's Motion for Extension of Time to File Supplemental Brief Regarding CCNC Contentions 16, 17, and 18 to each of the following:

John Runkle, Esq.
P.O. Box 4135
Chapel Hill, NC 27515

Wells Eddleman
806 Parker Street
Durham, NC 27701

Thomas A. Baxter, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

Janice E. Moore, Esq.
OELD
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Barbara A. Tompkins
Barbara A. Tompkins
Secretary to the Appeal Board