

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of )  
CAROLINA POWER AND LIGHT COMPANY )  
(Shearon Harris Nuclear Power Plant, )  
Units 1, 2, 3 and 4) )

Docket Nos. 50-400  
50-401  
50-402  
50-403

MEMORANDUM AND ORDER

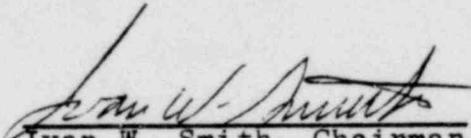
In our Memorandum and Order of February 12, we indicated that the Applicant's testimony would be received first. Counsel for Applicant has, by letter of February 14, requested that the order be changed so that the Staff witnesses will appear first. Counsel observes that Applicant's testimony was prepared after and is partly responsive to the Staff testimony. He states that the same sequence at the hearing would produce a clearer record. It was partly for the reason that Applicant's testimony has already addressed the Staff testimony, and not vice versa, that we believed the Applicant should proceed first, followed by the Staff, then followed by whatever responding testimony Applicant needs to submit. We also considered the fact that the procedure anticipated by the Board would be less disruptive of the Staff's activities because Staff witnesses are based in Atlanta. The Applicant's witnesses, on the other hand, are

based in Raleigh and they could conveniently return after the Staff witnesses if necessary.

However it appears that all parties have agreed to Applicant's proposal. So long as the order of appearance produces an efficient hearing we leave it to the parties to determine the order of proceeding, but they should take into account any need for responsive testimony. The parties are requested to inform the Board as soon as an agreement as to the order of witnesses is reached.

BY ORDER OF THE BOARD.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Ivan W. Smith, Chairman

Dated at Bethesda, Maryland  
this 16th day of February, 1979.