

March 12, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

CAROLINA POWER & LIGHT COMPANY )  
AND NORTH CAROLINA MUNICIPAL )  
POWER AGENCY NO. 3 )

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

Docket Nos. 50-400 OL  
50-401 OL

APPLICANTS' MOTION FOR THE  
ESTABLISHMENT OF A SCHEDULE LEADING  
TO A SPECIAL PREHEARING CONFERENCE



The Notice of Receipt of Application for Facility Operating Licenses and of the Opportunity for a Hearing on that application was issued on January 15, 1982, and published at 47 Fed. Reg. 3898 (January 27, 1982). In response to the Notice, nine requests for hearing/petitions for leave to intervene have been filed. On February 23, 1982, this Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Pursuant to 10 C.F.R. § 2.751a, a special prehearing conference will be scheduled in this proceeding in order to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

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(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

Pursuant to 10 C.F.R. § 2.714(b), "[n]ot later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, . . . the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity."

It is Applicants' view that the business of the special prehearing conference might be substantially simplified and the list of contested matters to be brought before the Board for decision might be substantially shortened if a reasonable opportunity were provided for Applicants, the NRC Staff and the nine Petitioners to meet informally in advance of the conference in an effort to reach agreement on disputed party status, consolidation of parties, the admission of proposed contentions for litigation, the conduct of discovery, and the schedule for further actions in the proceeding.

It is not meaningful for the participants to attempt to negotiate these matters until the petitions are supplemented pursuant to section 2.714(b). The

proposed contentions drafted by the petitioners are essential for a productive discussion of the parties, the schedule, and for the entire job of organizing the proceeding.

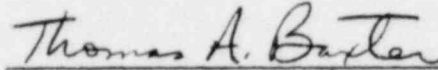
Recognizing the number of petitioners in this case, Applicants are of the view that the fifteen-day period between the filing of supplemental petitions and the conference -- provided for in section 2.714(b) -- would be inadequate for the completion of the time-consuming, yet potentially important and productive negotiations among the participants. On the other hand, Applicants do not wish to shorten the period Petitioners would otherwise have from receipt of notice that a special prehearing conference is scheduled until the deadline for filing supplemental petitions.

Consequently, Applicants move the Board to issue an order scheduling a special prehearing conference and providing that the supplemental petitions called for by section 2.714(b) be filed no later than thirty (30) days prior to the date of the conference. If the Board schedules the conference sufficiently in advance -- Applicants would propose that the conference be held on or about May 18, 1982 -- Petitioners would have ample opportunity to prepare and submit supplemental petitions, yet the

negotiation process would be given at least some opportunity to proceed thereafter.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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Dated: March 12, 1982

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing  
"Applicants' Motion for the Establishment of a Schedule  
Leading to a Special Prehearing Conference" were served  
this 12th day of March, 1982, by deposit in the U.S. mail,  
first class, postage prepaid, upon the following:

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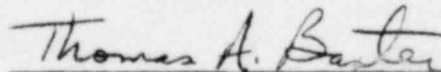
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