

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES

Glenn O. Bright  
Dr. James H. Carpenter  
James L. Kelley, Chairman

SERVED APR 5 1982

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

April 2, 1982

ORDER  
(Scheduling Prehearing Conference  
and Establishing Certain Filing Deadlines)

The Board's Order of March 16, 1982 called for responses to the Applicants' motion for a prehearing conference schedule. We received responses from petitioners for intervention Eddleman and Environmental Law Project, and from the NRC Staff. On consideration of these responses, the Board is scheduling a prehearing conference pursuant to 10 CFR 2.751a for June 14-15, 1982, in Courtroom 11 of the Wake County Court House, Fayetteville Street Mall, Raleigh, North Carolina, beginning at 10:00 a.m.

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The primary purpose of the conference will be to discuss the pending petitions to intervene and the contentions being advanced by the petitioners.

Supplements to petitions to intervene setting forth specific contentions shall be served (i.e., mailed) by May 14, 1982. The Applicants' response to such supplements shall be served by May 28, 1982 and the Staff's response shall be served by June 5, 1982. This schedule is being established to facilitate informal discussions of contentions among the petitioners, the Applicants and the NRC Staff to take place between the deadline for serving contentions and the prehearing conference. Petitioners for intervention are free to advocate to the Board any contention they wish, subject to the Commission's rules. However, these informal discussions prior to the prehearing conference can produce clearer and simpler contentions, and may lead to stipulations on many, if not most, contentions.

The Board will also establish at the conference a schedule for further actions and take such other steps as may expedite the proceeding. Prospective participants in the conference are invited to submit proposed agendas to the Board by June 7, 1982.

The NRC Staff has asked us to clarify our Order of March 16, 1982, concerning the second public document room that has now been established in Chapel Hill. At this point, the only documents in that room are the Final Safety Analysis Report (FSAR) and the Environmental Report (ER). However, they are the most important documents for the purpose of drafting

contentions. The Staff is technically correct that a full-fledged Public Document Room like the one in Raleigh receives other documents as well. We will defer until the prehearing conference the question whether copies of those other documents should also be sent to Chapel Hill.

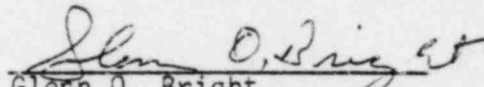
In partial response to one of petitioner Eddleman's requests, we are having a copy of Chapter 10 of the Code of Federal Regulations placed in the public document room in Chapel Hill. Part 2, Subpart G, of this volume contains the most significant procedural rules applicable to this case. At this initial stage, sections 2.710-2.718 are particularly relevant.

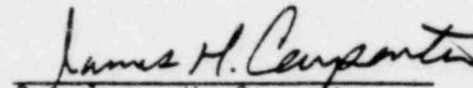
Petitioner Eddleman has requested a copy of the FSAR and ER to facilitate preparation of his contentions. It is not the Commission's practice to provide personal copies of these voluminous and expensive documents to each petitioner for intervention, at least in the absence of undue hardship. We do not believe that Mr. Eddleman's having to drive from Durham to review the FSAR and ER in Chapel Hill represents an undue hardship.


Petitioner for intervention Environmental Law Project (ELP) has lodged with us a "Motion to Postpone or Separate Proceedings" with respect to Unit 2. We have an answer in opposition to that motion from the Applicants. Apart from our doubt whether a petitioner for intervention is authorized under the rules to file a motion of this kind (or, for that matter, of any kind), we see no real need to rule on this motion at this time. And since it implicates in various ways the realities of the technical review process, we would not in any event rule on it before

receiving the Staff's views. We are therefore asking the Staff to include their views on the ELP motion with their responses to the petitioners' contentions. The motion can be placed on the agenda for the prehearing conference.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Glenn O. Bright  
ADMINISTRATIVE JUDGE

  
Dr. James H. Carpenter  
ADMINISTRATIVE JUDGE

  
James L. Kelley, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,  
this 2nd day of April, 1982.