

October 18, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
and NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power)
Plant))

OFFICE OF SECRETARY
DOCKETING & SERVICE

Docket No. 50-400 OL

APPLICANTS' MOTION TO AMEND THE
SCHEDULE FOR EMERGENCY PLANNING ISSUES

The present schedule for litigation of the emergency planning contentions was set at the prehearing conference of May 2, 1984, confirmed in a telephone conference held during the summer, and modified by one of the written orders admitting additional contentions. See Tr. 1058-76 (May 2, 1984 Prehearing Conference); Tr. 2198-99 (July 12, 1984 conference call); and Final Set of Rulings on Admissibility of Offsite Emergency Planning Contentions, Ruling on Petition for Waiver of Need for Power Rule, and Notice of Upcoming Telephone Conference Call (August 3, 1984), at 57-58. In sum, there are separate schedules for two groups of contentions (referred to as "Track A" and "Track B")^{1/} leading to a single hearing which is to begin

^{1/} Attachment 1 is a listing of these two groups of admitted contentions. In addition, the Board recently admitted Eddleman 227-S on the public information brochure.

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in early February, 1985.^{2/} Attachment 2 to this motion sets forth the current schedule for the Track A and Track B contentions.

For the reasons set forth below, Applicants move that the Board issue an order establishing the following amended schedule:

December 21, 1984:	Last day for filing motions for summary disposition.
January 15, 1985:	Last day for Staff to answer summary disposition motions filed on December 21, 1984.
January 25, 1985:	Last day for Intervenors to answer summary disposition motions filed on December 21, 1984.
February 22, 1985:	ASLB ruling on summary disposition motions filed on December 21, 1984.
March 18, 1985:	Filing of written direct testimony and exhibits to be offered as evidence.
April 2, 1985:	Commencement of evidentiary hearing.

Where a summary disposition motion is filed in advance of the "last day" set in the schedule, the response times from service of the motion are 20 days for the Staff and 30 days for intervenors. In addition, it is Applicants' hope that the Board would be able to rule on summary disposition motions as they become ripe for decision if they are filed in advance of the deadline.

^{2/} A hearing date of February 11, 1985 was set at the May 2, 1984 prehearing conference. During the recent evidentiary hearings on Joint Contention 1, however, a starting date of February 4 was discussed. See Tr. 3986-87 (September 14, 1984 Hearing).

The proposed schedule amends the previous one in three basic ways: (1) the deadline for summary disposition motions for Track A contentions is collapsed into the previous deadline for Track B contentions, resulting in a single deadline; (2) the response times to summary disposition motions are restored to those previously set for safety contentions; and (3) the hearing is delayed by roughly two months.

As grounds for their motion, Applicants state as follows:

1. The present schedule for Track B contentions essentially is not workable because it does not allow sufficient time prior to hearing for the Board to deliberate upon and decide summary disposition motions on those contentions. The amended schedule retains the current deadline for filing those motions but, by extending the start of the hearing, adds appropriate time for Board decision-making and the preparation of testimony.

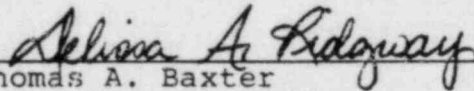
2. Hurricane Diana and its aftermath continue to occupy the time and energies of North Carolina emergency response personnel, many of whom are necessary to the preparation of summary disposition motions. Consequently, additional time is needed to file such motions on Track A contentions. Further, the extension of this deadline will avoid some conflicts for Mr. Eddleman, who otherwise would need to prepare more responses while the current safety hearings are in progress.^{3/}

^{3/} Some motions have already been filed, however, and several others may be filed early in compliance with the Board's directive that Applicants should not file all motions on the last available day. See Tr. 1071-75 (May 2 Prehearing Conference).

3. The new hearing schedule will permit the restoration of the normal time interval provided for Staff responses to summary disposition motions. A shorter schedule had previously been set (with the agreement of FEMA's counsel) in order to accommodate a hearing in early February. See Tr. 1058-76, particularly Tr. 1075-76. Since information additional to that in the emergency response plans may be included in these motions, the additional time for Staff and FEMA review is appropriate.

For all of the foregoing reasons, Applicants' motion should be granted. Applicants are in the process of consulting with the other parties on this schedule, and will report to the Board on the results of that consultation.

Respectfully submitted,



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Dated: October 18, 1984

Attachment 1

Track A Contentions

EPJ-1
EPJ-2
CCNC-2
CCNC-8
CHANGE-17
CHANGE-29
Wilson-11
Eddleman 30
Eddleman-57-C-3
Eddleman-57-C-10
Eddleman-57-C-13
Eddleman-144
Eddleman-154
Eddleman-213
Eddleman-215
Eddleman-224

Track B Contentions

EPJ-3
EPJ-4
EPJ-5
Wilson-12(b)(2)
Wilson-12(b)(3)
Eddleman-57-C-7
Eddleman-213-a
Eddleman-227-S
Eddleman-240
Eddleman-250
Eddleman-251

EMERGENCY PLANNING SCHEDULE

Contentions Admitted by June 14, 1984 ("Track A")

August 9, 1984	Last day for filing discovery requests
August 30, 1984	Last day for filing responses to discovery requests
November 1, 1984	Last day for filing any motion for summary disposition
November 16, 1984	Last day for Staff to answer any motion for summary disposition
November 26, 1984	Last day for Intervenor to answer any motion for summary disposition
December 28, 1984	ASLB ruling on any motion for summary disposition
January 21, 1985	Filing of written direct testimony
February 11, 1985	Commencement of evidentiary hearing

Contentions Admitted By August 3, 1984 Order ("Track B")

October 8, 1984	Last day for filing discovery requests
October 31, 1984	Last day for filing responses to discovery requests
December 21, 1984	Last day for filing any motion for summary disposition
[January 7, 1985]	Last day for Staff to answer any motion for summary disposition (approximate -- based on interval for "Track A" issues)
[January 17, 1985]	Last day for Intervenors to answer any motion for summary disposition (approximate -- based on interval for "Track A" issues)
_____, 1985	ASLB ruling on any motion for summary disposition
_____, 1985	Filing of written direct testimony

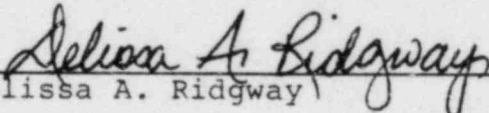
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion To Ammend The Schedule For Emergency Planning Issues" were served this 18th day of October, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List.



Delissa A. Ridgway

Dated: October 18, 1984

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