



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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

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

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

In the Matter of
Carolina Power and Light Company and
North Carolina Eastern Municipal Power Agency
(Shearon Harris Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-400 OL and 50-401 OL

Dear Administrative Judges:

Currently pending before the Board is "Applicants' Motion For Summary Disposition of CCNC Contention WB-3 (Drug Abuse During Construction)" filed on July 12, 1985. On July 31, 1985, the Attorney General of North Carolina filed a petition to intervene pursuant to 10 C.F.R. § 2.715(c), accompanied by a response to Applicants' Motion and the Affidavit of S.L. Burch. The Burch affidavit was proffered to assist the Board in developing a complete record and to enable the Board to make a more informed decision. Applicants were granted leave to submit a reply to the filing by the Attorney General of North Carolina and submitted their reply on August 16, 1985.

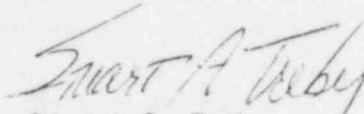
The NRC Staff response to the Applicants' Motion was scheduled to be filed on August 22, 1985. However, because of the seriousness with which the Staff regards this issue and the need for the Staff's senior management to consider the Staff's position, the Staff sought an extension of time. The extension of time was granted until August 27, 1985.

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Having carefully considered the information available to it, the Staff concludes that at this time it does not have sufficient facts to take a position on the Applicants' Motion for Summary Disposition. The Staff has concluded that it needs to obtain additional information concerning the specific work performed by persons known or suspected to be involved in drug use. The Staff will be in communication with the Applicants regarding the need for additional information. Accordingly, the Staff wishes to advise the Board and parties that it will not be filing any response to the Applicants Motion for Summary Disposition.

Sincerely,

A handwritten signature in cursive script, reading "Stuart A. Treby".

Stuart A. Treby
Assistant Chief Hearing Counsel

cc: Service List