

February 27, 1986



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	
and NORTH CAROLINA EASTERN)	Docket No. 50-400 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

APPLICANTS' MOTION FOR EXTENSION OF TIME
TO REPLY TO APPEAL FROM PARTIAL INITIAL
DECISION ON EMERGENCY PLANNING CONTENTIONS

On February 5, 1986, Applicants received a copy of "Appeal from Partial Initial Decision on Emergency Planning Contentions," dated January 30, 1986. If Applicants' reply brief is to be filed thirty (30) days after actual receipt, the reply would be due on or before March 7, 1986. Applicants hereby move that the schedule for filing their reply brief be extended to March 17, 1986.

The principal basis for the extension request is that counsel have been required to prepare for a reopened hearing, before the Licensing Board in this proceeding, on an emergency planning issue (Eddleman 57-C-3). Since February 5, there have been several prehearing conferences, witness subpoena requests to which Applicants responded, testimony pre-filed on February 18 and 21, and technical consultation with witnesses in

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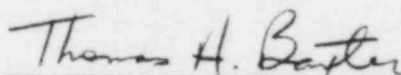
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preparation for hearings on March 4 and 5. Further, Applicants will need to propose the expeditious filing of proposed findings with the Licensing Board. In addition to our normal workload with other NRC proceedings, the seasonal flu has side-tracked counsel for a number of days.

We would also note that while appellant's brief is short, it is largely lacking in citations to the record and a readily understandable description of the purported error. Appellant's brevity actually has increased the time necessary to prepare a reply on the large number of issues appealed.

The undersigned has discussed this motion with Mr. Eddleman, who has no objection. The NRC Staff likewise does not object to the motion, provided that the Staff is granted a similar extension -- i.e., until March 27, 1986 -- to file its reply brief.

Respectfully submitted,



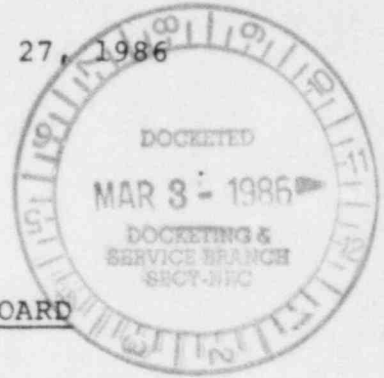
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Dated: February 27, 1986

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion for Extension of Time to Reply to Appeal From Partial Initial Decision on Emergency Planning Contentions" were served this 27th day of February, 1986, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

Thomas A. Baxter
Thomas A. Baxter, P.C.

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