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UNITED STATES
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

DOCKET NO: 50-400 OL
50-401 OL

CAROLINA POWER & LIGHT COMPANY
NORTH CAROLINA EASTERN
MUNICIPAL POWER AGENCY

(Shearon Harris Nuclear
Power Plant)

PREHEARING CONFERENCE

LOCATION: WASHINGTON, D. C.

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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CAROLINA POWER & LIGHT COMPANY :

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NORTH CAROLINA EASTERN : Docket No. 50-400 OL

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MUNICIPAL POWER AGENCY : 50-401 OL

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(Shearon Harris Nuclear Power : TELEPHONE CONFERENCE

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Wednesday, February 26, 1986

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Telephone conference in the above-entitled matter

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was held, pursuant to notice, beginning at 10:00 a.m.

18

PARTICIPANTS:

19

JAMES L. KELLEY, Esq., Chairman,

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Atomic Safety and Licensing Board

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U. S. Nuclear Regulatory Commission

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Washington, D. C. 20555

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P R O C E E D I N G S

2 JUDGE KELLEY: This is Judge Kelley. With me are
3 Judge Bright and Judge Carpenter.

4 Let me just note first that we have received the
5 proposed witness list from the applicants and the staff and
6 from Mr. Eddleman. We have prefiled from the applicants and
7 the staff. We don't have any subpoena requests from the
8 applicants and the staff; we do have a subpoena request from
9 Mr. Eddleman for four people.

10 Last week when those came in -- they, by the way,
11 took a week to get here: mail continues to be slow. We
12 understood that the staff would have objections to some of
13 these subpoena requests, and in light of that we scheduled
14 the telephone conference for today.

15 We might have done this a little earlier, I might
16 note, but for the fact that I was out for a bar exam.

17 We have received from the applicants written
18 objections to the Eddleman request for subpoenas, and I
19 understand that the staff will want to present its
20 objections today on the record.

21 Will that be from Mr. Rochlis, Ms. Moore, or who?

22 MS. MOORE: Mr. Rochlis.

23 JUDGE KELLEY: Let me just note further that what
24 we are attempting to do here, as we have done in the past,
25 is to foreshorten -- or the phrase "cut through" has
26 sometimes

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1 been used -- with respect to hearing from the parties and
2 ruling on subpoena requests; that is, we have not, as we
3 could do under the rule, simply issued the subpoena on an
4 indication of relevance and then proceed on a motion to
5 quash basis. We're simply getting the parties on the phone
6 and hearing them out in the interests of speeding things up
7 a bit.

8 I might simply note that if a particular party
9 has an objection we may have to hear from them further; I
10 don't know. But perhaps we can resolve most of whatever
11 disputes there may be by hearing from the parties.

12 So that's what we propose to do.

13 As I say, we have Mr. Eddleman's request, we have
14 the written response from the applicants. Perhaps we might
15 go next to FEMA and the staff and hear any objections that
16 they have got, and then also hear Mr. Eddleman respond to
17 the various objections, and the Board would have some
18 questions either during that process or perhaps at the
19 close.

20 I suggest that we ask first about the subpoena
21 request for Mr. Jesse Riley. Mr. Riley has been requested
22 as a Board witness-- Strike that; I meant to say
23 Mr. McKinney is the person requested as the Board witness:
24 we'll get to him in just a minute. Let's go to Mr. Riley
25 first.

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2 Mr. Rochlis, do you have any objection to that
3 request?

4 MR. ROCHLIS: Yes, your Honor.

5 Essentially with Mr. Riley, the Board has
6 indicated in the January 16th ruling that this is a limited
7 rehearing, most of the issues are very, very specific and
8 they relate to the previous hearing and previous filings in
9 this matter. I don't see how Mr. Riley is going to be
10 qualified as an expert to testify on the matters before the
11 Board, nor-- Even if he is qualified on a number of these
12 matters that the Board wanted a more complete record on, it
13 would call for more speculation and conjecture on
14 Mr. Riley's part as to why Mr. Keast testified in a certain
15 way or why Dr. Crider testified in a certain way.

16 So for reasons of his lack of qualifications, the
17 fact that this is a very limited rehearing, and due to the
18 expertise required, I don't think there has been any showing
19 that Mr. Riley would add to the record in any shape or form
20 in this matter.

21 JUDGE KELLEY: Okay.

22 Perhaps it might be best... Mr. Eddleman, would
23 you prefer to speak on each individual rather than having to
24 do it all cumulatively?

25 MR. EDDLEMAN: Sure; I think that would be
cleaner, Judge, if that's convenient with the other parties

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1 and the Board.

2 JUDGE KELLEY: Let me ask you about Mr. Riley
3 before you begin your response.

4 MR. EDDLEMAN: Yes, sir.

5 JUDGE KELLEY: The applicants make the point
6 that by virtue of his being subpoenaed he may not then have
7 prefiled testimony, and they suggest that the use of the
8 subpoena may be, in effect, an end run around the prefiling
9 requirement. His point is, he's assuming Mr. Riley is in
10 fact a friendly witness to you, and we wonder-- We think
11 perhaps there may be some merit in the applicant's point.
12 So we'd like you to address that specifically.

13 MR. EDDLEMAN: I will make every effort to
14 provide prefiled for Mr. Riley. He's been quite busy. And,
15 as the applicants were informed, that if I had a direct
16 witness it would probably be Mr. Riley. But we could not
17 work that out. And so I decided, in light of his workload,
18 to go ahead and subpoena him to make sure that he did show
19 up.

20 I think-- You know, I can certainly talk to him
21 and see if we can get prefiled into the hands of the Board
22 and the parties and anybody who has got to have it by the
23 end of this week. That's about as fast as I think we can
24 turn it around.

25 MS. RIDGEWAY: Mr. Chairman, I think that

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1 Mr. Eddleman has just effectively conceded the point that
2 indeed he could have prefiled the testimony of Mr. Riley.
3 And I would point out that in the Thursday, January 23rd,
4 conference call in this case where we set the schedule, the
5 Board at transcript page 10,286 made it quite clear to
6 Mr. Eddleman that he was to identify his direct witnesses
7 for which prefiled testimony would be available at the same
8 time as the other parties.

9 It was made very clear to him that his only
10 leeway was in subpoenaed witnesses. And I think that
11 prefiled testimony now is far too late. We're all entitled
12 to have prefiled testimony filed at the same time, so that
13 we have the same opportunity to prepare for
14 cross-examination.

15 JUDGE KELLEY: Okay.

16 Mr. Eddleman, anything further?

17 MR. EDDLEMAN: Yes, Judge.

18 To respond to that: first, it was not clear to
19 me, from my discussions with Mr. Riley, that he would even
20 be able to show up. That's one reason that I subpoenaed
21 him. I wasn't trying to get around the pre-filing: I'm
22 perfectly willing to make anything available that I can.

23 My discussion with Mr. Riley basically went to
24 the point that he did have knowledge of alerting systems and
25 the effectiveness of the alerting systems. The Board's

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1 Question 6 is the main thing that he would go to, I think,
2 although he may have some points on the others.

3 But the ultimate question here is: will the
4 system work, is it going to alert acceptably a large
5 percentage of the people in the EPZ; which I would contend
6 is essentially 100 percent, within the rule. And it wasn't
7 clear that he would be able to work out his testimony in
8 time, and it's not clear still what he would be able to
9 prefile.

10 But I will get in touch with him as quick as
11 possible, if that's ordered.

12 I would like also to respond to Mr. Rochlis'
13 objection, if I may. He basically seems to think that we
14 can't establish Mr. Riley's qualifications. I think we can
15 establish that. He certainly has experience in this area
16 and has been through a hearing with it, and I think some
17 members of the Board may be familiar with his participation
18 in that hearing.

19 As to the expertise required, I think he does
20 have the knowledge in the area of alerting effectiveness.
21 And that's really the ultimate question here. So I think he
22 would be qualified, and could add to the record.

23 JUDGE KELLEY: Let me just make a comment on what
24 we feel is before us this morning and what would be in the
25 normal course before us next week.

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2 It seems to us that we're being asked for
3 subpoenas and people are being put forward as being able to
4 address certain issues. And if, for example, we were to
5 conclude that the issue isn't even before the house, then we
6 could say: Well, that testimony is not relevant, and we deny
7 the subpoena.

8 By contrast, we aren't really sitting this
9 morning to pass on people's expert qualifications. Indeed,
10 if an expert came in voluntarily there's no subpoena
11 discussion involved, and in the normal course his
12 qualifications would be open to voir dire and he might be
13 excluded or not. But that would happen next week.

14 So while there may not always be a clear line
15 between the two areas I'm talking about, it does seem to us
16 that we're not primarily focussed on whether a given person
17 is an expert on acoustics or tone alerts or whatever. To
18 some extent we're taking the parties' representations on
19 that point.

20 With regard to Mr. Riley, then, does anyone else
21 have any further comment?

22 What we'd like to do is to talk about all four,
23 and then the Board will retire and consider what we've
24 heard, and come back with a ruling.

25 Anything else on Mr. Riley?

MS. RIDGEWAY: Not for applicants, your Honor.

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MR. ROCHLIS: Not for FEMA, your Honor.

JUDGE KELLEY: Okay.

Well, let's go to Mr. McKinney. Mr. McKinney is sought by Mr. Eddleman as a Board witness. He's with Southern Bell Marketing. The applicants have filed an opposition that based on their view that Mr. Eddleman hasn't satisfied the requirement of the Summer case with regard to Mr. McKinney.

Mr. Rochlis?

MR. ROCHLIS: To save time, your Honor, I would essentially concur. I don't think Mr. Eddleman has met the summer criteria in this case with regard to Mr. McKinney.

JUDGE KELLEY: Very well.

This raises another consideration with regard to Mr. McKinney, and maybe more broadly with regard to phone alert testimony and findings alike.

We did, in our January 16th order, issue an invitation to the applicants to look at alternative supplementary forms of alerting, including phone alert. But the language we used was "such as the telephone alerting system called for" in the Eddleman contention. We did not intend to single out phone alert -- not phone alert; we did not intend to single out telephone alerting as something that the applicants were required to proffer as a means of alerting. The applicants' testimony does contain a

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1 discussion of telephone alert.

2 It does seem, however, that if you look at the
3 applicants' proposal as essentially siren plus tone alert
4 radio, and their position being that those two things will
5 meet the regulations, and it seems somewhat debatable
6 whether a discussion of telephone alerting is essential to
7 the case, or even whether it need be addressed in any detail
8 at all. If that were so, would that not raise some question
9 about the need for Mr. McKinney's testimony? We don't
10 propose to make findings on the telephone, but that's
11 something the other parties may want to speak to.

12 We've come to Mr. Eddleman, so why don't we let
13 him speak first. You can include that comment I just made
14 in your comment

15 Go ahead, Mr. Eddleman.

16 MR. EDDLEMAN: Judge, first, in a relaxed manner,
17 let me take vigorous exception to a couple of the ideas that
18 you just expressed in a tentative fashion.

19 First, I think since the contention mentions
20 telephone alerting explicitly, that in order to resolve the
21 contention -- now this is just my position I'm laying out
22 here--

23 JUDGE KELLEY: Right.

24 MR. EDDLEMAN: --that it is required to resolve
25 the issue.

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1 I would also point out that in evidence is the
2 fact that a telephone call can alert 90 percent of the
3 people in the zone: that's in evidence; okay? So when
4 you're talking about the question of what the applicants
5 propose, certainly the burden of proof is on them. But they
6 can't rewrite the contention. The contention doesn't say
7 tone alert radio, it says telephones and other systems.
8 Tone alerts are another system. But I don't think they
9 should be allowed to determine what other systems are
10 considered. I think that all other systems should be
11 considered. And that's what Mr. McKinney has information
12 on.

13 JUDGE KELLEY: I think that in a hearing on the
14 adequacy of alerting, that all possible alerting systems are
15 open for litigation.

16 MR. EDDLEMAN: Well, certainly the one that's
17 mentioned in the contention is open for litigation. And the
18 Board actually asked in its Item 6-- I realize that you're
19 saying you didn't mean to require testimony on those systems
20 from anyone, but you invited it. And Mr. McKinney, because
21 of his management, is unable to appear as a voluntary
22 witness. I had to subpoena him.

23 Now, it says in the Summer decision as quoted by
24 the applicants -- I'm looking at page 3 of their opposition
25 which I got by Federal Express yesterday: "The Board can

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1 call their own witnesses only after giving the parties
2 proceeding every opportunity to clarify or supplement their
3 previous testimony." It seems to me I think that's exactly
4 what the Board has done. And, second, "showing why it
5 cannot reach an informed decision without any independent
6 witness." I'd say the answer to that is that Mr. McKinney
7 is informed, he knows this stuff much better than the
8 applicants' witness.

9 Also, you've got to realize that when I issued
10 the subpoena request, the applicants' testimony had not even
11 been filed, and I didn't know how extensive it was going to
12 be. But looking at it, their testimony about telephones is
13 clearly not sufficient to assess the adequacy of a phone
14 system.

15 It does appear, however, that there are systems
16 that would cost less than what they're proposing that would
17 involve telephones.

18 So that it looks like it's a little bit screwy in
19 their position.

20 I don't see what's unfair about the opportunity
21 that the Board has given the parties to supplement this.
22 "The parties' first opportunity to clarify or supplement
23 testimony presented November 4th and 5th," as argued on page
24 4 of applicants': I think that's ridiculous. The applicants
25 in fact supplement it on January the 2nd with the affidavit

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1 of Mr. Keast. They could have clarified or supplemented it
2 at any time. There's nothing that restrains them from
3 alerting the Board to any errors or any incompleteness,
4 requesting re-opened hearings, or anything they want to do
5 to bear their burden of proof.

6 But I certainly am not responsible for their
7 failure to bear it.

8 As to the question of whether you can't reach an
9 informed decision without independent witnesses, I think
10 I've addressed that: he's somebody who has got broader
11 experience and broader knowledge than the applicants'
12 witness. It's just not adequate.

13 So I think that covers Mr. McKinney. Thank you.,

14 JUDGE KELLEY: Okay.

15 We'd like to hear reactions or comments from--
16 Ms. Ridgeway, are you speaking for the applicants?

17 MS. RIDGEWAY: Yes, your Honor.

18 JUDGE KELLEY: Do you think, under the contention
19 as admitted, and as interpreted by the Board, this Board is
20 required to reach questions of adequacy of telephone
21 alerting systems?

22 MS. RIDGEWAY: No, your Honor, I do not. As a
23 matter of fact, we would vigorously argue that under the
24 regulatory scheme that the Board need hear no testimony
25 whatsoever on telephone systems.

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2 We can choose to meet our burden any way we
3 please. The regulatory scheme contemplates that the
4 selection of the means by which the regulation is met is at
5 the option of the licensee, and provided we meet the
6 regulations we can do it any way we choose.

7 Indeed, there is Commission law -- I can't
8 provide a ready citation right at the moment; but just as a
9 general matter -- that you do not design systems on the
10 witness stand; that is, that applicants advance their system
11 and the Board either finds that it meets the regulation or
12 that it does not. At which point applicant must supplement
13 their system in some way. But that it is not up to the
14 Board or to the other parties to redesign the system for the
15 applicants.

16 For that reason we agree with the Board that
17 based on the testimony that we have filed showing that
18 sirens and tone alert radios will meet the Commission's
19 regulation, that the Board need not hear anything at all on
20 telephone systems.

21 JUDGE KELLEY: And it's sirens and tone alerts
22 that you're now relying on to meet the regulation?

23 MS. RIDGEWAY: That's correct, your Honor.

24 JUDGE KELLEY: Thank you.

25 Any comment, Mr. Rochlis?

MR. ROCHLIS: Well, as I understand from the

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1 Board's, I think it was the April '85 ruling, the Board
2 narrowed Mr. Eddleman's contention to essentially read: Will
3 the sirens awaken people sleeping at night, or will some
4 other augmentation system be required to augment the siren
5 system? And although it's true that Mr. Eddleman started
6 out with the telephone system, I would have to agree with
7 Ms. Ridgeway's recitation that it's up to the applicants to
8 pick the system as long as it's in compliance with the
9 regulations.

10 JUDGE KELLEY: Thank you.,

11 Anything else, Mr. Eddleman?

12 MR. EDDLEMAN: I think I've already covered these
13 points.

14 JUDGE KELLEY: Okay.

15 MS. SANFORD: Judge Kelley, I would like to make
16 a couple of observations.

17 No. 1, the issue of the telephone alerting system
18 is in CPL's testimony and is before the Board at this time
19 and presumably will come under discussion next week.

20 Something that occurs to me is that everyone has
21 an interest, certainly, in expediting the deliberations, and
22 I'm wondering if it would not make sense to get Mr. McKinney
23 in here so that all the questions can be answered in one
24 forum and hopefully the decision can be disposed of.

25 JUDGE KELLEY: The issue of the telephone?

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1 MS. SANFORD: The issue of the adequacy of the
2 alerting generally. And telephone alerting having been
3 raised and the Board having expressed an interest in
4 telephone alerting as one of the augmented or supplemental
5 systems here, it would just seem to me, reasonably, it is
6 going to be discussed, as a practical matter, and it would
7 seem to me that perhaps all of our purposes would be served
8 if someone is there from Southern Bell who could speak with
9 authority on the subject.

10 JUDGE KELLEY: Okay. I'm sorry I didn't ask you
11 before: do you have any comments on Mr. Riley?

12 MS. SANFORD: No, sir.

13 JUDGE KELLEY: Okay.

14 Let's move, then, to Mr. Black, who is an
15 employee of CP&L. Again, we have the applicants' basic
16 arguments.

17 Mr. Rochlis?

18 MR. ROCHLIS: I think we have to go back again to
19 the issue of what we are litigating here. And this is a
20 limited reopening. I don't see anything at this time that
21 Mr. Black could testify to. Perhaps at an earlier date he
22 may have been able to testify to certain issues involved in
23 the contention which would have been relevant, but at this
24 time, based on the six issues that the Board indicated were
25 to be litigated, I don't see the relevance in Mr. Black's

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testimony at all.

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JUDGE KELLEY: Okay. Mr. Eddleman?

3

MR. EDDLEMAN: Well, the first thing is that in light of the Board's ruling denying the subpoena for Dr. Bassiouni before, where it basically said if this guy was an affiant on summary disposition and they don't file testimony for him, you're on notice that if you want him you'd better subpoena him. So I did.

9

I think that the applicants are deciding who they want on the witness stand. And I think Mr. Black has considerable knowledge of this -- he's Mr. Goodwin's boss, as I understand it -- and has probably a broader view of this matter than Mr. Goodwin does. And I think that his knowledge of this is just quite relevant. The applicants' just simply don't want to get it in front of the Board.

16

JUDGE KELLEY: What aspect of his knowledge and experience would you stress with regard to Mr. Black in relation to the issues?

19

MR. EDDLEMAN: Well, first, the selection of the systems; the adequacy of the sirens themselves in terms of the consideration that went into that; with regard to the Board's first few points, and also the question of how they chose to use the tone alert radios as the backup, and the adequacy of the tone alert radios, the experience of other utilities they're familiar with, the experience CP&L has,

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1 the reasons for the selection, and what other alternatives
2 might have been considered and what they were good for.

3 JUDGE KELLEY: If, in fact, the systems they
4 chose are adequate, what difference does it make why they
5 chose them?

6 MR. EDDLEMAN: If another system is more adequate
7 it makes a big difference.

8 JUDGE KELLEY: That's a loser, Mr. Eddleman,
9 you'll never win on that one.

10 If you meet the requirement that's all that's
11 required. The fact that something around is better and
12 gives you more margin is not relevant in this case.

13 MR. EDDLEMAN: Well, Judge, you're the judge.
14 But I may appeal on that one.

15 Let me pass on, then, to the questions of the--
16 Well, I guess you're going to say cost is irrelevant, too;
17 it doesn't matter what it costs, they can--

18 JUDGE KELLEY: No, no, I didn't say that.

19 MR. EDDLEMAN: Well, I was speculating in light
20 of some previous statement about the NRC not being concerned
21 with cost. I beg your pardon.

22 JUDGE KELLEY: I think you made a good point,
23 Mr. Eddleman. With regard to cost, there is a
24 cost-effectiveness statement that we quoted in our last
25 order. And insofar as that might get you into comparisons,

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1 I suppose that may be fair game. This is just me talking:
2 I'm not making a Board ruling.

3 MR. EDDLEMAN: Right. I'm reacting to your
4 point.

5 JUDGE KELLEY: I think that point may be well
6 taken.

7 MR. EDDLEMAN: Okay. That one, and also the
8 experience of other utilities with the tone alerts, I think
9 that's a point that Mr. Black could address. And I think
10 that's very relevant to the question of whether the tone
11 alerts are going to be adequate.

12 JUDGE KELLEY: Okay.

13 Ms. Sanford?

14 MS. SANFORD: Yes, sir. I have no comments with
15 respect to Mr. Black.

16 JUDGE KELLEY: Okay.

17 Let's go to Dr. Bassiouni. The applicants--

18 MS. RIDGEWAY: Mr. Chairman.

19 JUDGE KELLEY: Yes?

20 MS. RIDGEWAY: I'd just like quickly to make two
21 points before we pass on. That is, that first I would
22 reiterate, as we pointed out, to the extent that
23 Mr. Eddleman is saying that Mr. Black was an affiant on
24 summary disposition on 57(c)(3), he simply wasn't. We point
25 that out at page 11.

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2 Secondly, the Board noted in passing that one of
3 the Board's orders had noted that cost-effectiveness was
4 included as a consideration in the Commission CLI decision
5 on the final rule on emergency planning, and I would simply
6 point out there that a careful review of the language there
7 would indicate, I think, that they were discussing
8 cost-effectiveness in terms of FEMA setting the criteria,
9 the percentage that would be required to be notified, not
10 that there would be cost-effectiveness taken into
11 consideration in deciding between systems; rather than
12 deciding what the regulation meant, that they would allow
13 FEMA in its implementation of the regulation to decide
14 whether it was cost-effective to require implemental
15 supplementation.

16 MR. EDDLEMAN: Judge, may I respond to that,
17 briefly?

18 JUDGE KELLEY: Go ahead.

19 MR. EDDLEMAN: First, I contend strongly that
20 applicants' decision to limit this to five miles is wrong.
21 so in that context I think the effectiveness -- that this
22 would also apply to Mr. Black, of course. The effectiveness
23 of the system, assuming it is effective, I think it should
24 be at least covering the whole zone, not just the five
25 miles. But the cost-effectiveness criteria clearly impacts
that decision by reason of the Commission's order.

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1 To my understanding -- and I may have misread
2 Mr. Black, but I thought he was asking it on this issue: but
3 I'm not clear on that.

4 MS. RIDGEWAY: Mr. Chairman, I would just
5 reiterate. I think we're moving away from the mark here.
6 We would just reiterate that Mr. Black's testimony would be
7 simply cumulative of Mr. Goodwin's, and we believe that
8 that's a basis for the Board's ruling to dispose of the
9 subpoena request for Mr. Black.

10 JUDGE KELLEY: Okay. Let's pass to
11 Dr. Bassiouni.

12 Let's go to the staff.

13 MR. ROCHLIS: Again, I would say with regard to
14 Dr. Bassiouni that this is, again, a limited rehearing; that
15 a number of the issues are involved in testimony of --
16 previous testimony of both Dr. Krider and Mr. Keast; that
17 the testimony of Dr. Bassiouni with regard to the previous
18 testimony, anything that he would have to say would be
19 speculative and in the nature of conjecture; and that while
20 Dr. Bassiouni may have some expertise in this matter, I'm
21 not going to get into the expertise issue because of what
22 the Board has ruled previously today. But I don't think
23 he's a psycho-acoustician. And most of these issues that
24 the Board has raised deal with psycho-acoustics. And while
25 he may be able to interpret some of the graphic data that

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1 Dr. Krider and Mr. Keast present, there's nothing to
2 indicate that the Board doesn't have that same expertise.

3 JUDGE KELLEY: Is it possible that he might bring
4 a different professional opinion to some of these issues?

5 MR. ROCHLIS: It's possible, if he had the
6 professional expertise.

7 JUDGE KELLEY: Okay.

8 Mr. Eddleman?

9 MS. MOORE: Your Honor, might I add something? I
10 know Mr. Rochlis is making the argument for FEMA and the
11 staff, but I would like to add just a brief statement at
12 this point.

13 JUDGE KELLEY: Sure.

14 MS. MOORE: I would only add that I think that
15 the critical factor here, as well, is Dr. Bassiouni's
16 familiarity with the record on nighttime notification. And
17 I believe the applicant's made the point, and I won't
18 belabor it, that his role with respect to the Harris plant
19 involved summer daytime conditions, and that he has not at
20 this point made an analysis that would reflect nighttime
21 conditions. And each of the Board's six issues -- five
22 issues, anyway, requires a familiarity with the Harris
23 record, and possibly the sixth as well. And that is what I
24 believe Dr. Bassiouni lacks at this point.

25 That's the only statement I would add. Thank

1 WRBwrb

1 you.

2 JUDGE KELLEY: Okay.

3 Mr. Eddleman?

4 MR. EDDLEMAN: Judge, the first thing is, I
5 believe that the applicants and the staff and FEMA have
6 neglected to check and see if Dr. Bassiouni really is
7 familiar with this record. He informs me that he has read
8 over the transcript, and he thinks that he's quite familiar
9 with the record on this issue.

10 He thought that nighttime -- I discussed this
11 with him yesterday -- that the nighttime versus daytime
12 thing was a joke, in his words; that of course you make the
13 adjustments.... I'm trying to paraphrase what he said. You
14 have a different distribution of temperature levels as you
15 go upward from ground, and some other things which he is
16 quite familiar with, that you have to adjust for. But the
17 idea that he was just a daytime person and that this is
18 nighttime and he can't handle it, he does not agree with
19 that at all.

20 I'd also like to raise a question regarding
21 applicants' objection to Dr. Bassiouni. One of the things
22 they say in their footnote 4 which begins on page 7 and goes
23 over onto page 8, they're accusing Dr. Bassiouni of making
24 an error, and saying that means that his testimony would not
25 have value -- "unreliability and lack of probative value,"

1 WRBwr

1 as discussed here. And I'd like to ask them in context of
2 that whether they're willing to withdraw all the testimony
3 of Mr. Keast in light of his affidavit filed January the 2nd
4 which takes back some of his testimony as an error, which he
5 apparently didn't recognize at the hearing.

6 I think that Dr. Bassiouni has worked for
7 probably at least two third or 75 percent of the nuclear
8 utilities -- I think he usually says four-fifths -- in the
9 country; he has extensive data on sites. One of the things
10 he informs me is that he thinks Mr. Keast's sound map is not
11 credible, that it's not....well, what he actually said was
12 you couldn't believe it. And that's the old sound map. I
13 don't think he's got the rest of the testimony yet, but I've
14 sent it off to him, or arranged to do so.

15 Dr. Bassiouni has very broad experience in this
16 area, and he runs a major consulting firm that works for
17 most of the utilities. I think he has the knowledge, and I
18 think that his knowledge is very relevant.

19 I think the question of whether he might bring a
20 differing professional opinion is really the core of the
21 objections that are being raised.

22 These things are quibbles. For example, the
23 applicants say, Well, after all, he did bring the German
24 study to the Board's attention but he doesn't know enough
25 about it to say anything about it: in effect that's what

2 WRBwr

1 they're arguing. That's ridiculous. He obviously knew
2 about it when they didn't, and knows how to analyze it.

3 Familiarity with the various data that are used
4 in assessing a wakening probability: he's well qualified in
5 acoustics and can analyze these matters. And I think his
6 qualifications are clearly of record, and it's just absurd
7 for the applicant to use this guy as an affiant on the
8 original attempt to get summary disposition. As they
9 stressed, he dealt with very narrow matters in that
10 affidavit, but I suspect that's because applicant chose to
11 have him address very narrow matters. They have certainly
12 not maintained, in context of other contentions, for example
13 I think it's 213, which is the wake sirens, that
14 Dr. Bassiouni lacked the expertise to analyze acoustic
15 issues that are different from the question of daytime
16 alerting.

17 I also think that Dr. Bassiouni's having this
18 data base on the Harris zone and actual measurements of the
19 sound levels that are produced by the sirens -- which nobody
20 else has put in evidence so far as I know...actual data --
21 that's very probative of what could actually happen: to know
22 the actual loudness of the sirens. That tells you something
23 that's very important. And Dr. Bassiouni has this data, and
24 nobody else is putting it in evidence.

25 If the ultimate question is will this work--

1 WRBwrb

1 This comes in under Item 6, and the question is: What
2 supplementation is necessary? In order to know what
3 supplementation is necessary you've got to know the
4 effectiveness of the siren system. And I believe
5 Dr. Bassiouni has considerable knowledge and data about
6 that. And then you've got to be familiar with other
7 alternative and backup systems.

8 Dr. Bassiouni informs me that he's dealt with
9 utilities using tone alert radios, using plans for telephone
10 systems, plans for combination systems of different kinds,
11 that he's quite familiar with various backup systems and has
12 the ability to evaluate their usefulness.

13 So I think probably Dr. Bassiouni is, as far as
14 Issue 6, the best possible witness who's available.

15 Let me see:-- I think-- Let's see. I just want
16 to go through here.

17 (Pause.)

18 Dr. Bassiouni has some serious questions in mind,
19 according to what he was telling me, about the ability of
20 tone alert radios to meet both the administrative
21 requirement and the signal strength and alerting requirement
22 that would be necessary for them to be effective. He raises
23 questions about -- really, making a worst-case analysis of
24 the signal to the tone alert radios, and so on.

25 I guess my point is that Dr. Bassiouni is quite

1 WRBwrp

1 familiar with this record, has followed this issue, and has
2 already done one preliminary analysis -- I shouldn't say
3 "preliminary," but he did a review at the request of the
4 Licensing Board. And I think his information is very
5 relevant, and I think that the applicants just want to keep
6 him out of here because he would have a different
7 professional opinion: that's my opinion of what stands
8 behind the objection.

9 MS. MOORE: Mr. Chairman, I would move to strike
10 Mr. Eddleman's last comment as unfounded.

11 JUDGE KELLEY: Granted. Just the last one.

12 Mr. Eddleman, I gather from what you said that
13 you have talked with-- You said you have talked with
14 Dr. Bassiouni just yesterday?

15 MR. EDDLEMAN: Yes, sir.

16 JUDGE KELLEY: Is he willing to come as a witness
17 for you?

18 MR. EDDLEMAN: Judge, he has always said that if
19 he were subpoenaed that he would come and tell the truth.

20 JUDGE KELLEY: Okay.

21 MR. EDDLEMAN: I'm not saying that he's going to
22 say "Yes, I'm going to jump on a plane and come right -- "

23 JUDGE KELLEY: Let me just follow up a little
24 bit.

25 MR. EDDLEMAN: "--if subpoenaed."

1 WRBwrb 1

JUDGE KELLEY: Did you tell him that you had requested a subpoena for his appearance?

2

MR. EDDLEMAN: Yes; and he has a copy of the subpoena request.

3

4

JUDGE KELLEY: Okay.

5

And if subpoenaed, is he prepared to come for the hearing next Tuesday?

6

7

MR. EDDLEMAN: Judge, I didn't directly ask him that.

8

9

JUDGE KELLEY: Okay.

10

MR. EDDLEMAN: I believe he is, but I couldn't answer that.

11

12

The best thing to do I think is to contact him.

13

JUDGE KELLEY: All right.

14

MR. EDDLEMAN: Anybody can do it. I'll do it if you request me to.

15

16

JUDGE KELLEY: There is some fine print on the bottom of page 2 of the subpoena request which says "fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an office or agency," and then the footnote...

17

18

Excuse me a moment.

19

(Pause.)

20

JUDGE KELLEY: What I read was a footnote on the back of page 2 of the return of service. What it comes down

21

1 WRBwrb

1 to, as I understand this, you'd be required to-- This
2 speaks of fees and mileage. Are you prepared to pay his
3 basic expenses?

4 MR. EDDLEMAN: Absolutely.

5 JUDGE KELLEY: Okay.

6 MS. RIDGEWAY: Mr. Chairman, I'd like to address
7 a few of the points that Mr. Eddleman made.

8 First, to the extent that in their response to
9 the request for subpoenas applicants allowed as how perhaps
10 it might be taken for granted that Dr. Bassiouni would not
11 have come at Mr. Eddleman's request, I would like to note
12 that, given the extensive conversation that Mr. Eddleman has
13 obviously had with Dr. Bassiouni, it's a perversion of the
14 procedural scheme to allow him to have these extensive
15 conversations and not prefile direct testimony. It just
16 blinks reality to think that he will discuss these things
17 with Mr. Eddleman so extensively, and that Mr. Eddleman is
18 not required in any way to give advance notice, and is
19 thereby able to deprive applicants, the staff and the Board
20 of the opportunity to prepare meaningful cross-examination
21 on a technical issue like this. And I don't believe that
22 the Board is required to take that step of just blinding
23 itself to the reality of the situation.

24 Secondly, I would reiterate the point that
25 Ms. Moore made for the staff; that is, that the work that

1 WRBwrb

1 Dr. Bassiouni has done personally is limited exclusively to
2 daytime analysis. Certainly he doesn't represent that he
3 has ever done a nighttime analysis for any of the other
4 utilities in the country.

5 And the loudness issue that Mr. Eddleman raised
6 as a basis for bringing him down is simply not in issue.
7 The Board in its January 16th Memorandum and Order, on page
8 1 of that order expressly ruled that the record was not
9 being reopened on actual sound levels in the EPZ.
10 Therefore, daytime or nighttime sound propagation are simply
11 not at issue here.

12 And I think that we would just continue to press
13 the arguments that we made with respect to the
14 psycho-acoustic expertise the Board expressly requested on,
15 I believe it was Item 2. The Board noted the need for
16 psycho-acoustic expertise on that. And I think that as to
17 that issue that is conclusive as well.

18 JUDGE KELLEY: Ms. Sanford?

19 MS. SANFORD: Yes, sir.

20 JUDGE KELLEY: Do you have a comment on this?

21 MS. SANFORD: A couple of comments.

22 No. 1, I find Mr. Eddleman's arguments compelling
23 concerning the contribution and the relevance that
24 Dr. Bassiouni is likely to bring to this proceeding.

25 Concerning the reality of the situation in terms

1 WEBwrb

1 of Mr. Eddleman's ability to get Dr. Bassiouni as a witness
2 in prefile fashion, I don't know anything about the
3 negotiations or the contacts that the two of them have had.
4 I would wonder for the record here whether Dr. Bassiouni's
5 professional situation is such that it would be perhaps
6 difficult for him to agree to come as Mr. Eddleman's
7 witness. But his desire to speak to the Board in a factual
8 and truthful manner might be such that he would be willing
9 to be subpoenaed.

10 JUDGE KELLEY: Okay.

11 I think we've heard everybody, then, on the four
12 subpoenas.

13 MR. EDDLEMAN: Judge, would you like verification
14 about that last point raised? Because I did have the
15 conversations with Dr. Bassiouni and I could speak to it.
16 But only if you need it.

17 JUDGE KELLEY: I don't think we do. Thank you.
18 I think we understand basically the posture of the thing.

19 All right; the Board is going to go on its "Mute"
20 button and discuss these matters. It may take us, oh, at
21 least ten minutes, I suppose. It's about ten minutes of
22 eleven. Don't hang up. This call is on the NRC. So would
23 you like to just not hang up your phones and pick them back
24 up at five after eleven? Is that all right?

25 Okay; we'll see you at five after.

1 WRBwrb 1

(Brief recess)

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JUDGE KELLEY: We've considered the requests and the arguments of the parties' counsel, and we're going to rule on the four requests for subpoenas. These will be rather brief rulings. Mr. Eddleman has to leave shortly. It's going to be in the nature of a bottom line. If we need to expand on this later for the record we can do that.

As to Mr. Riley, the main point here is that any testimony he gives be prefiled. And we're going to require that his testimony be prefiled by 9:00 a.m. next Monday in Raleigh. It should be delivered to CP&L by 9:00 a.m., and also to the Board. I don't know about FEMA and the staff people, but we plan to be at the Radisson Hotel.

Are the FEMA people and the staff people there, too?

MR. ROCHLIS: We're going to be at the Radisson, yes.

JUDGE KELLEY: Okay.

You can deliver them to the desk at the Radisson Hotel at nine o'clock Monday morning. That's Mr. Riley's prefiled testimony.

MR. EDDLEMAN: Yes, sir.

JUDGE KELLEY: As to a subpoena for Mr. Riley, I mean if for some reason he wants one we can issue him one. It doesn't seem to me to be necessary.

1 WRBwrb 1

Do you want one?

2

MR. EDDLEMAN: Judge, I think he'll come.

3

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I'll tell you what: If he wants one to frame on his wall, I'll have him call you.

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JUDGE KELLEY: All right, fine.

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Next, as to Mr. McKinney of the telephone company who is being called as a Board witness, we're going to deny the request for a subpoena to Mr. McKinney; for two reasons: basically, we don't think the Summer test, the part of it requiring the other parties to have every opportunity to present their view, has been met, which is a prerequisite to a Board calling a witness. Alternatively, the Board believes that the issue of telephone alerting, in light of the applicants' proposal to rely on sirens and tone alert radios, is marginal at best.

Thirdly, as to Mr. Black: Based on what we've heard, we believe that Mr. Black should be subpoenaed if necessary. We really don't think we can tell, but we think he might have some useful testimony. And when I say "if necessary," in light of the Board's attitude, that he should be at the hearing available to testify.

Ms. Ridgeway, Mr. Hollar, do you want to have him subpoenaed, or could you just produce him?

MS. RIDGEWAY: Your Honor, we'll voluntarily produce him.

1 WRBwrb 1

JUDGE KELLEY: Thank you.

2

Now, Mr. Eddleman, as to what Mr. Black might be expected to testify to, you list a number of items, some of them not too specific, but there is a listing of items on page 2 of your pleading of matters that you think you might be able to speak to.

7

MR. EDDLEMAN: Right.

8

JUDGE KELLEY: Are you prepared to limit your questioning to those matters?

10

MR. EDDLEMAN: If we include the matters that I mentioned in the discussion here, and those matters, the answer is yes.

13

JUDGE KELLEY: I'm not sure I recall how far that goes beyond. It just seems to me that it's reasonable that the applicants and the staff have -- if they don't have prefiled, that they have at least some fairly specific notice of what they think the man might be asked.

18

MR. EDDLEMAN: Right.

19

JUDGE KELLEY: The alternative would be for you to prepare as specific as possible a list of items which we would then have you file Monday morning along with the Riley testimony.

23

MR. EDDLEMAN: I think that's the best alternative.

25

JUDGE KELLEY: Would you do that? All right.

1 WRBwr

1 Make it as specific as possible.

2 MR. EDDLEMAN: Yes, sir.

3 JUDGE KELLEY: We realize that possibly testimony
4 will come up in the hearing. Say, for example, a person who
5 works for Mr. Black may get into some area, and you may want
6 to ask Black also, that kind of thing we expect we'd allow,
7 other things being appropriate. But the list would be
8 helpful, be necessary to the other parties, since we don't
9 have prefiled.

10 In the case of Dr. Bassiouni, we are going to
11 issue a subpoena for Dr. Bassiouni. It seems to us that
12 Mr. Eddleman has made a good case for the possibility that
13 Dr. Bassiouni might be able to contribute to one or more of
14 the issues that are open.

15 We do not suggest, in so saying, that all of
16 Mr. Eddleman's areas of possible inquiry are in fact open.
17 I think an example was cited by Ms. Ridgeway about the
18 intensity of sound, and that's not open in this hearing,
19 for example. But there are other areas where he may be able
20 to speak.

21 Now, with regard to the same question of notice
22 of areas to be reached: we are not going to require prefiled
23 testimony from Dr. Bassiouni, but we are going to require,
24 again by nine o'clock on Monday morning, a pretty specific
25 listing of points that Dr. Bassiouni is to make. We

1 WRBwrb

1 understand that-- We know, from what Mr. Eddleman said,
2 that they've had conversations and that he is familiar with
3 this problem, of course. And he should be able we think to
4 come up with a good list of areas for consideration. And
5 this, then, would give the FEMA and the applicants some
6 notice of what's to be in.

7 So just to recap: Operationally, we need
8 prefiled testimony from Mr. Riley; we need a list of points
9 from Mr. Black and Dr. Bassiouni, all to be served --
10 delivered by Mr. Eddleman by nine o'clock in the morning on
11 Monday, giving people a day to look these matters over.

12 That's our ruling.

13 We have one other point. We had Board
14 consideration of some material, predecisional material,
15 notes and the like relating to one of Mr. Eddleman's
16 contentions, and we ruled on that. Subsequently, some
17 additional notes surfaced from the Argonne National
18 Laboratory and Ms. Moore mailed them to the Board for in
19 camera review on February 20th. And I understand from Judge
20 Carpenter that some additional notes also surfaced more
21 recently. And we would just like to say that we want to
22 talk about those matters and wrap them up once and for all
23 when we're down in Raleigh. And we would expect that, by
24 that time at least, all of the relevant notes and graphs
25 will have been produced, at least for the Board's

1 WRBwr

1 inspection, so we can consider what to do with it.

2 Now, does anybody have anything else they want to
3 raise, any questions about the rulings on subpoenas from
4 anyone?

5 MR. BAXTER: Mr. Chairman, we would like to move
6 for the Board to reconsider the deadline for prefiling
7 Mr. Riley's testimony, and ask that it be set for 5:00
8 p.m. Friday evening, or, as an alternative, by noon on
9 Saturday.

10 Ms. Ridgeway and I are in Washington on Monday.
11 We will try to get down here as quickly as possible. But we
12 think that, given the prefiling deadline of January 18 and
13 January 21, which Mr. Eddleman was under, as were all
14 parties, that allowing him to file testimony only
15 twenty-four hours in advance of the hearing seriously
16 prejudices our ability to prepare for this hearing.

17 JUDGE KELLEY: Okay. Mr. Eddleman, I think you
18 indicated in earlier discussion that you might be able to do
19 this by the end of the week.

20 Would you respond to Mr. Baxter's request?

21 MR. EDDLEMAN: It's that I'm moving this
22 weekend. My new address is 812 Yancey Street, Durham,
23 27701. I will make my best effort to get it in the
24 applicants' hands at least Friday afternoon. I think I can
25 have Mr. Riley just send it to them by mail, if he can do

1 WRBwrp 1

it, because that's the fastest way to get it, is direct from
2 him.

3

But I don't want to be held to that if I can't do
4 it.

5

JUDGE KELLEY: When do you think Mr. Riley can
6 complete his testimony?

7

MR. EDDLEMAN: I'll have to talk to Mr. Riley
8 this afternoon after I get out of school and determine
9 that. I really don't know. He's busy, he told me. But I
10 don't know the details.

11

I'll do it as fast as possible.

12

JUDGE KELLEY: Well, then, in fact are you
13 opposing the motion for reconsideration?

14

MR. EDDLEMAN: I think what I'm opposing is being
15 bound by this deadline. I'll volunteer to do it as fast as
16 I can. If I can have it in their hands by Thursday I'll do
17 that. I'm not sure I can guarantee at this point that I can
18 meet a 5:00 p.m. deadline Friday because I haven't discussed
19 it with Mr. Riley and because I'm moving.

20

JUDGE KELLEY: Well, assuming that the testimony
21 could be completed let's say by the end of Friday--

22

MR. EDDLEMAN: Right.

23

JUDGE KELLEY: --is there any real problem with
24 getting testimony from Charlotte to Raleigh by Saturday
25 noon?

1 WRBwrp 1

MR. EDDLEMAN: You say from Mr. Riley by Saturday
2 noon?

3

JUDGE KELLEY: Right.

4

MR. EDDLEMAN: I can have him send it to them by
5 express mail if he completes it on Friday.

6

JUDGE KELLEY: How about delivery?

7

MR. EDDLEMAN: Judge, I'm not familiar... I
8 think there is Saturday delivery of express mail in Raleigh;
9 I'm not certain of that.

10

JUDGE KELLEY: I meant personal delivery. --if
11 necessary.

12

MR. EDDLEMAN: Judge, if I can. As I say, I'm
13 having to move over the weekend. But if I can I'll
14 certainly do it.

15

JUDGE KELLEY: Hold on a minute.

16

(Pause.)

17

JUDGE KELLEY: All right.

18

The Board considered this, and reconsidered and
19 we think that Mr. Baxter's request for delivery by the end
20 of Friday or by Saturday noon, we think Saturday noon is
21 reasonable under the circumstances. This, after all, is
22 coming up late, and frankly should have been prefiled in the
23 first place.

24

So we're going to make Saturday noon a deadline;
25 that is to say, something, Mr. Eddleman, you'll have to meet

2 WRBwr

1 to deliver Mr. Riley's testimony to CP&L. You can serve the
2 other parties Monday morning; unless there's an objection
3 from staff or FEMA.

4 So we're going to impose a deadline for delivery
5 to CP&L of noon Saturday.

6 MR. EDDLEMAN: Did you mean noon Saturday?

7 JUDGE KELLEY: Yes.

8 MR. BAXTER: That's to Mr. Hollar in Raleigh.

9 MR. EDDLEMAN: Right.

10 JUDGE KELLEY: Okay.

11 Anything else?

12 MR. BAXTER: Yes, Mr. Chairman. We assume that
13 by the list of topics to be covered by Dr. Bassiouni that's
14 to be served by 9:00 a.m. Monday morning, that we're going
15 to get something more specific than just "all items in the
16 Board's January 16th Memorandum and Order."

17 JUDGE KELLEY: Oh, yes.

18 MR. BAXTER: That there be some indication of
19 positions being taken.

20 JUDGE KELLEY: Yes; that's what the Board meant.

21 MR. BAXTER: My last item, Mr. Chairman, is that
22 we need to have a scheduling discussion, before we complete
23 this conference call, about the order of witness
24 presentation.

25 JUDGE KELLEY: All right.

1 WRBwrb 1

Mr. Eddleman, can you stick with us on this?

2

MR. EDDLEMAN: It will be very difficult.

3

I wanted to, as I was going to run out the door, make a request that a copy of the transcript from today's call be sent to Dr. Bassiouni, and that would make it possible I think for him to get out a quicker response on this. If it has to come to me and then go back to him then we're going to have a time delay.

9

JUDGE KELLEY: We'll do our best. I can't promise it.

10

11

MR. EDDLEMAN: Okay. Thank you.

12

13

MR. BAXTER: Mr. Eddleman shouldn't leave yet. What happens if he calls Dr. Bassiouni and he's not available all next week, for instance?

14

15

JUDGE KELLEY: Well, Mr. Eddleman, I wanted to ask you a couple of things in that regard.

16

17

Are you still with us?

18

MR. EDDLEMAN: Yes, I'm here.

19

JUDGE KELLEY: Now, we'll mail a subpoena to Dr. Bassiouni and he'll know it's coming.

20

21

I would like you to call him today--

22

MR. EDDLEMAN: Yes, sir.

23

JUDGE KELLEY: --and with the understanding that it's on the way and he's being subpoenaed, will he come, can he work out the list of points, and so on, with you. And if

24

25

1 WRBwr

1 there are problems in that regard, would you get back to the
2 Board as quickly as possible, certainly by tomorrow?

3 MR. EDDLEMAN: Yes, sir, I'll do that.

4 JUDGE KELLEY: Okay.

5 Now, someone was speaking a minute ago, I'm not
6 sure who it was.

7 Was that you, Mr. Baxter? --about the witness
8 order or presentation?

9 MR. BAXTER: Yes.

10 Mr. Black, for instance, is not available on the
11 5th, the second day of the hearing, so we would have to put
12 him on the first day.

13 I'm going to start running into conflicts with
14 Mr. Keast on the afternoon the 5th.

15 We had previously contemplated that we would put
16 on Mr. Keast first, on his February 21 prefiled testimony,
17 and that logically Dr. Krider would go second because he
18 covers some of the same territory. And then we would put on
19 our panel testimony from February 18th on Item No. 6.

20 I mean, we need to discuss, for instance, when
21 Mr. Riley is available. We're going to have to slip
22 Mr. Black in there sometime the first day.

23 JUDGE KELLEY: Shall we reconvene on this
24 tomorrow morning?

25 MR. EDDLEMAN: Judge, that would be the best for

1 WRBwrb

1 me.

2 JUDGE KELLEY: Would that be satisfactory,
3 Mr. Baxter?

4 MR. BAXTER: Yes.

5 JUDGE KELLEY: Ten o'clock?

6 MS. SANFORD: That's fine.

7 MR. EDDLEMAN: That' fine.

8 JUDGE KELLEY: Thank you.

9 Anything else that comes up plus the order of
10 witnesses we'll talk about tomorrow morning at ten.

11 We'll call you.

12 MR. BAXTER: Judge Kelley, I'll be back in my
13 Washington office.

14 JUDGE KELLEY: Okay.

15 Is that it?

16 Good-bye.

17 (Whereupon, at 11:24 a.m., the telephone
18 conference was concluded, to recommence at 10:00 a.m.,
19 Thursday, February 27, 1986.)
20
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22
23
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25

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: CAROLINA POWER & LIGHT COMPANY
NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
(Shearon Harris Nuclear Power Plant)

DOCKET NO.: 50-400 OL 50-401 OL

PLACE: WASHINGTON, D. C.

DATE: WEDNESDAY, FEBRUARY 26, 1986

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) *W R Bloom*

(TYPED)

WILLIAM R. BLOOM

Official Reporter

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