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February 13, 1986 <sup>DOCKETED</sup> SNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'86 FEB 18 AIO:19

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF THE  
DOCKETING & SERVICE  
BRANCH

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  
50-401 OL

GRANTED

For the Appeal Board

*C. Jean Diermeyer* 2-14-86  
Secretary to the Appeal Board

NRC STAFF MOTION FOR EXTENSION OF  
TIME TO FILE SUPPLEMENTAL BRIEF  
REGARDING CCNC CONTENTIONS 16, 17, AND 18

The NRC Staff moves the Atomic Safety and Licensing Appeal Board to extend to Monday, February 24, 1986, the time for all parties to file their supplemental briefs regarding CCNC Contentions 16, 17, and 18.

At the conclusion of oral argument on February 5, 1986 on the Appeal from the Licensing Board's Partial Initial Decision on Safety Issues dated August 20, 1985, the Appeal Board requested that the parties address by February 19, 1986, whether CCNC Contentions 16, 17, and 18 are barred from litigation before the Licensing Board by collateral estoppel (Tr. 63).

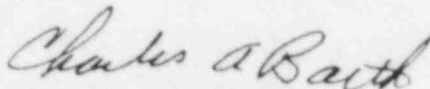
The Staff Counsel responsible for answering the Appeal Board's question has been ill and thus will be unable to complete the Staff's response by the date for its filing. Therefore the Staff requests an extension of time until Monday, February 24 for all parties to file their

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supplemental briefs. Undersigned Counsel has obtained the agreement of CCNC and the Applicants to this request for an extension of time.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles A. Barth".

Charles A. Barth  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 13th day of February, 1986

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of )  
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CAROLINA POWER AND LIGHT )  
COMPANY AND NORTH CAROLINA ) Docket Nos. 50-400 OL  
EASTERN MUNICIPAL POWER ) 50-401 OL  
AGENCY )  
 )  
(Shearon Harris Nuclear Power Plant, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENTION OF TIME TO FILE SUPPLEMENTAL BRIEF REGARDING CCNC CONTENTIONS 16, 17, AND 18" in the above-captioned proceeding have been served on the following by deposit in the United States mail first class, or (\*) through deposit in the Nuclear Regulatory Commission's internal mail system, this 13th day of February, 1986:

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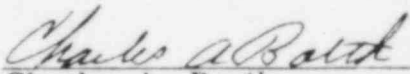
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Counsel for NRC Staff

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'86 FEB 18 AIO:19

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Thomas S. Moore, Chairman  
Dr. Reginald L. Gotchy  
Howard A. Wilber

February 14, 1986

In the Matter of )

CAROLINA POWER AND LIGHT COMPANY )  
AND NORTH CAROLINA EASTERN )  
MUNICIPAL POWER AGENCY )

Docket Nos. 50-400 OL  
50-401 OL

(Shearon Harris Nuclear Power )  
Plant, Units 1 and 2) )  
)  
)  
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CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of February, 1986, I mailed a copy of the Appeal Board's grant by stamp endorsement of the NRC Staff's Motion for Extension of Time to File Supplemental Brief Regarding CCNC Contentions 16, 17, and 18 to each of the following:

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*Barbara A. Tompkins*  
Barbara A. Tompkins  
Secretary to the Appeal Board