

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos. 50-400, 50-401
	)	50-402, 50-403
CAROLINA POWER & LIGHT COMPANY	)	
(Shearon Harris Nuclear Power	)	<u>PETITION</u>
Plant, Units 1, 2, 3, and 4)	)	

NOW COME Intervenor Conservation Council of North Carolina and Wake Environment, Inc. who respectfully show unto the Board the following:

Intervenors early in this proceeding contended that the site of this plant was too close to Raleigh, the North Carolina state capital, and that evacuation plans for the area surrounding the plant were inadequate.

In light of the recommendations of the Kemeny Commission and the de facto licensing moratorium announced by the Commission today, Intervenor respectfully petition the Board to reopen the record in this proceeding to reconsider the Shearon Harris site and the adequacy of evacuation plans.

Respectfully submitted, this 5th day of November, 1979.

*Thomas S. Erwin*  
THOMAS S. ERWIN  
Attorney for Intervenors  
P. O. Box 928  
Raleigh, North Carolina 27602  
Telephone: (919) 834-0779





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

October 23, 1979



Mr. Wells Eddleman  
Route 1, Box 183  
Durham, North Carolina 27705

In the Matter of  
Carolina Power and Light Company  
(Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4)  
Docket Nos. 50-400, 50-401, 50-402 and 50-403

Dear Mr. Eddleman:

In response to your request dated October 15, 1979, enclosed are copies of the following documents:

1. "Staff's Proposed Findings of Fact and Conclusions of Law in the Form of a Supplemental Initial Decision (Construction Permits)" dated May 10, 1979;
2. "NRC Staff's Exception to Supplemental Initial Decision" dated July 25, 1970; and
3. "NRC Staff Brief in Support of Exception to Supplemental Initial Decision" dated September 4, 1979.

Sincerely,

A handwritten signature in cursive script, reading "Edwin J. Reis".

Edwin J. Reis  
Assistant Chief Hearing Counsel

Enclosures: As Stated

cc: See Page 2

cc: (w/o enclosures)  
Ivan W. Smith, Esq.  
Mr. Glenn O. Bright  
Dr. J. V. Leeds, Jr.  
Richard E. Jones, Esq.  
Thomas Erwin, Esq.  
Atomic Safety and Licensing  
Appeal Board  
Atomic Safety and Licensing  
Board Panel  
Docketing and Service Section  
Wake County Public Library  
George F. Trowbridge, Esq.  
Dennis P. Myers

SHAW, PITTMAN, POTTS & TROWBRIDGE

1800 M STREET, N. W.

WASHINGTON, D. C. 20036

RAMSAY D. POTTS  
STUART L. PITTMAN  
GEORGE F. TROWBRIDGE  
STEPHEN D. POTTS  
GERALD CHARNOFF  
PHILLIP D. BOSTWICK  
R. TIMOTHY HANLON  
GEORGE M. ROGERS, JR.  
JOHN B. RHINELANDER  
BRUCE W. CHURCHILL  
LESLIE A. NICHOLSON, JR.  
MARTIN D. KRALL  
RICHARD J. KENDALL  
JAY E. SILBERG  
BARBARA M. ROSSOTTI  
GEORGE V. ALLEN, JR.  
WM. BRADFORD REYNOLDS  
FRED A. LITTLE  
FRED DRASNER  
NATHANIEL P. BREED, JR.  
MARK AUGENBLICK  
ERNEST L. BLAKE, JR.  
CARLETON S. JONES  
THOMAS A. BAXTER  
JAMES M. BURGER  
SHELDON J. WEISEL  
JOHN A. McCULLOUGH  
J. PATRICK HICKEY  
JAMES THOMAS LENHART

STEVEN L. MELTZER  
DEAN D. AULICK  
JOHN ENGEL  
STEPHEN B. MUTTLER  
WINTHROP N. BROWN  
JAMES B. HAMLIN  
ROBERT E. ZAHLER  
RICHARD E. GALEN  
ROBERT B. ROBBINS  
LAURA K. FARRAND  
MATIAS P. TRAVIESO-OIAZ  
VICTORIA J. PERKINS  
JOHN M. O'NEILL, JR.  
JAY A. EPSTEN  
GEORGE D. CROWLEY, JR.  
MICHAEL D. HAYS  
THOMAS H. MCCORMICK  
SUSAN D. FALKSON  
STEVEN M. LUCAS  
RAND L. ALLEN  
ALAN J. WEISBARD  
WILLIAM R. BARR  
ALAN R. YUSPEH  
JOHN L. CARR, JR.  
PHILIP J. HARVEY  
KAY L. RICHMAN  
TIMOTHY B. MCBRIDE  
CHARLES W. SURASKY

\*NOT ADMITTED IN D. C.

(202) 331-4100

TELECOPIER

(202) 296-0694 & 296-1760

TELEX

89-2693 (SHAWLAW WSH)

CABLE "SHAWLAW"

JOHN H. SHARON

EDWARD B. CROSLAND  
COUNSEL

October 9, 1979

Alan S. Rosenthal, Esq.  
Chairman  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Michael C. Farrar, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Carolina Power & Light Company  
(Shearon Harris Plant, Units 1, 2, 3, 4)  
Docket Nos. 50-400, 50-401, 50-402 and 50-403

Gentlemen:

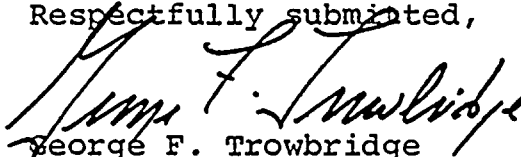
Re: NRC Staff's Exception to the Supplemental  
Initial Decision (Construction Permit)

For practical reasons Applicant did not elect to file exceptions to the Supplemental Initial Decision (Construction Permit) in the above captioned matter since the Licensing Board's decision reaffirmed that Applicant had made the necessary demonstration of its management capability and technical qualification to design and construct the Harris facility. This does not mean, however, that Applicant agreed with all of the Licensing Board's findings or that it believes the Licensing Board's decision to condition the construction permits for the Harris units was warranted or authorized under the Commission's regulations..

SHAW, PITTMAN, POTTS & TROWBRIDGE

Although Applicant did not itself file exceptions, it has a clear interest in the matters raised by the Staff's exception. Applicant supports the Staff's position that the Licensing Board exceeded its authority in imposing the condition ordering hearings at the operating license stage of proceedings and that such condition was not necessary.

Respectfully submitted,

  
George F. Trowbridge  
Counsel for Applicant

cc: per certificate of service

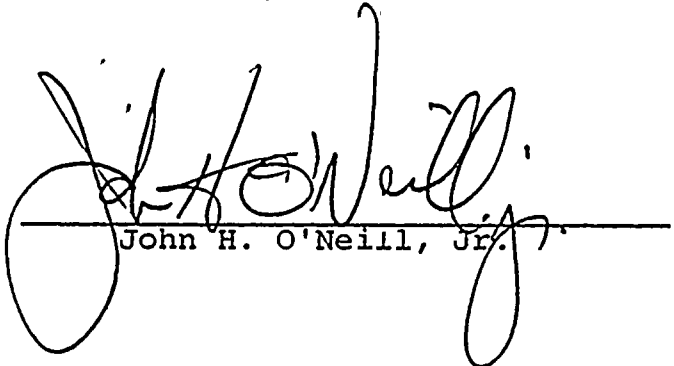
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
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CAROLINA POWER & LIGHT COMPANY	)	Docket Nos. 50-400
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(Shearon Harris Nuclear Power	)	50-402
Plant, Units 1, 2, 3 and 4)	)	50-403

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's letter to the Atomic Safety and Licensing Appeal Board dated October 9, 1979, were served upon those persons on the attached Service List either by hand or by deposit in the United States mail postage prepaid, this 9th day of October, 1979.

  
\_\_\_\_\_  
John H. O'Neill, Jr.

Dated: October 9, 1979

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NUCLEAR REGULATORY COMMISSION

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SERVICE LIST

Alan S. Rosenthal, Esq.  
Chairman  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Michael C. Farrar, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ivan W. Smith, Esq.  
Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Glenn O. Bright  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. J. V. Leeds, Jr.  
10807 Atwell Drive  
Houston, Texas 77096

Charles A. Barth, Esq.  
Office of the Executive Legal  
Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Thomas S. Erwin, Esq.  
P. O. Box 928  
115 West Morgan Street  
Raleigh, North Carolina 27602

Dennis P. Myers, Esq.  
Associate Attorney General  
State of North Carolina  
P. O. Box 629  
Raleigh, North Carolina 27602

Mr. Wells Eddleman  
Route 1 Box 183  
Durham, North Carolina 27705

Kudzu Alliance  
Box 3036  
Chapel Hill, North Carolina 27514

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



