

Hdqtrs. PDR

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

11/21/78

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

APPLICANT'S RESPONSE TO REQUEST FOR INTERVENTION
BY MR. WELLS EDDLEMAN AND KUDZU ALLIANCE

1. On October 16, 1978, Mr. Wells Eddleman sent a communication addressed to the NRC requesting that the Kudzu Alliance be made an intervenor in this proceeding and inquiring as to the procedure for gaining intervenor status. The communication did not indicate any intention by Mr. Eddleman to request intervention as an individual, did not state the interest of the Kudzu Alliance or its members in the proceeding, and did not specify either Mr. Eddleman's connection with the Kudzu Alliance or his authority to represent the Kudzu Alliance. Accordingly, Applicant viewed (and still views) this communication as a procedural inquiry to be followed presumably by a petition to intervene.

2. On November 7, 1978, Mr. Eddleman sent a letter to the Board stating that "[b]y postcard received 6 November 78,

Kudzu Alliance and I are advised that our requests to become intervenors" had been referred to the Board. The postcard was presumably sent to Mr. Eddleman by the NRC Docketing and Service Section, but no notice of referral to the Board was received by Applicant or its counsel. Mr. Eddleman's November 7 letter was docketed by the Docketing and Service Section on November 16, 1978, and a copy of the letter was first received by Applicant's counsel on November 20, 1978.

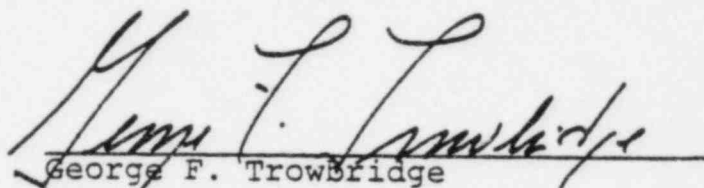
3. Assuming Mr. Eddleman's letter of November 7, 1978, is to be treated as a formal petition to intervene in this proceeding by the Kudzu Alliance and by Mr. Eddleman individually, Applicant opposes the petition and requests that the petition be denied. The petition is obviously late and petitioners have not made any showing of good cause or addressed any of the other factors required to be considered by Section 2.714 of the Commission's Rules of Practice in the case of untimely petitions to intervene. In this connection Applicant reminds the Board that in addition to the original Notice of Hearing on September 20, 1972 (37 F.R. 20344), notifying members of the public of the opportunity to intervene in the proceeding, the Board on its own initiative published a second Notice of Intervention Procedures on June 23, 1977 (42 F.R. 31844), following the rescheduling of the Harris plant.

4. In the alternative, if the Board decides to afford petitioners a further opportunity to justify the lateness of

their petition, Applicant requests the Board to direct petitioners to serve copies of any such justification on all parties to the proceeding. Applicant further requests that the Board allow fifteen days after date of service (including five days for mailing time) for responses by such other parties to any such justification.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


George F. Trowbridge

Dated: November 21, 1978

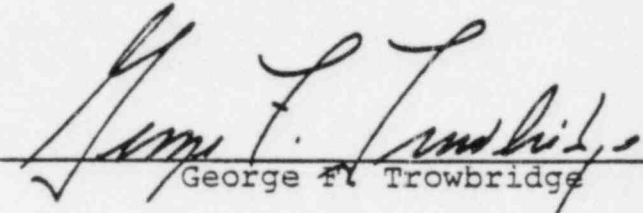
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Request for Intervention by Mr. Wells Eddleman and Kudzu Alliance," dated November 21, 1978, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 21st day of November, 1978.



 George F. Trowbridge

Dated: November 21, 1978

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