

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 MAR -4 112:05

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA MUNICIPAL)
POWER AGENCY NO. 3)
)
(Shearon Harris Nuclear Power)
Plant, Units 1 and 2))

Docket Nos. 50-400 OL
50-401 OL

APPLICANTS' RESPONSE TO PETITION TO
INTERVENE BY DANIEL F. READ



On January 27, 1982, notice was published in the Federal Register concerning the application of Carolina Power & Light Company and North Carolina Municipal Power Agency No. 3 (Applicants) for licenses to operate the Shearon Harris Nuclear Power Plant, Units 1 and 2. The notice afforded interested persons an opportunity to request a hearing and to petition for leave to intervene.

On February 17, 1982, a petition to intervene was filed by Daniel F. Read (Petitioner). Petitioner bases his interest on his residence and family property in Chapel Hill, N.C., a

DS03
3
1/1

distance of approximately 20 miles from the Harris Plant. He asserts among other things that his interest would be affected by the possibility of nuclear accidents and by radioactive releases from the Plant. The specific aspects of the proceeding as to which Petitioner wishes to intervene include safe operation of the Plant and the adequacy of off-site monitoring plans. To this extent Petitioner has in Applicants' view sufficiently stated an interest in the proceeding to meet the initial requirements for intervention under Section 2.714 of the Commission's Rules of Practice.

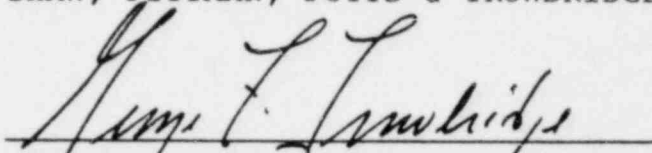
Petitioner has alleged other interests and effects upon those interests, some of which in Applicants' view are not cognizable in an NRC operating license proceeding. Applicants propose, however, to await the formulation of Petitioners' contentions pursuant to Section 2.714(b) and to address at that time the allowability of the contentions, including their relationship to an interest cognizable in the proceeding.

Applicants note that Mr. Read has signed a second petition to intervene on behalf of, and as President of, Chapel Hill Anti-Nuclear Group Effort (CHANGE), also dated February 17, 1982. In addition, the petitions by Mr. Read and CHANGE were delivered to Applicants' counsel in the same envelope as a petition to intervene by the Environmental Law Project, School

of Law, University of North Carolina, although the petitions do not on their face show any other connection between Mr. Read or CHANGE and the Environmental Law Project. Applicants may at a later date request the consolidation of two or more of these petitioners or the designation of a single individual to represent their interests in the proceeding.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

A handwritten signature in cursive script, appearing to read "George F. Trowbridge", is written over a horizontal line.

George F. Trowbridge, P.C.

Thomas A. Baxter, P.C.

John H. O'Neill, Jr.

Counsel for Applicants

1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

Dated: March 3, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY) Docket Nos. 50-400 OL
AND NORTH CAROLINA MUNICIPAL) 50-401 OL
POWER AGENCY NO. 3)
)
(Shearon Harris Nuclear Power)
Plant, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Petition to Intervene by Daniel F. Read," dated March 3, 1982, were served upon the following persons by deposit in the United States mail, postage prepaid, this 3d day of March, 1982.

James L. Kelley, 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. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

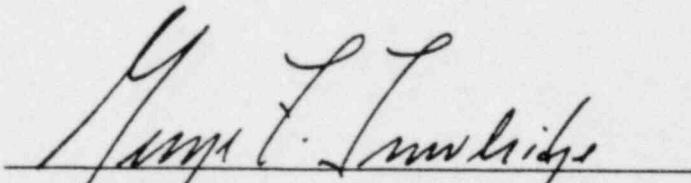
Charles A. Barth, Esq.
Stuart A. Treby, Esq.
Marjorie Rothschild, Esq.
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Daniel F. Read
100-B Stinson Street
Chapel Hill, N.C. 27514

Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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


George F. Trowbridge, P.C.