

August 5, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-400 OL
and NORTH CAROLINA EASTERN)	
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

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CONSERVATION COUNCIL'S RESPONSE TO
APPLICANTS' MOTION TO ESTABLISH PROCEDURE
FOR REQUESTING EXTENSIONS OF TIME

We normally would not comment on such a unnecessary motion except that Applicants have based their argument on mis-stated facts. First of all, one of Applicants' attorneys was notified that the extension had been granted. This was not done however until Tuesday, July 24, although this should have given Applicants notice that the filing would be received later that week. We did not notify the Staff of the extension or indeed any of the other Intervenors, but it is the Applicants who claim to be somehow burdened. We do not see why Applicants would assume that we were not filing any findings of fact, especially since Judge Kelley ordered each party to file them. Additionally, Applicants might have contacted us before undertaking any changes in attorney work projects. The Conservation Council also did not receive the Staff's findings until Friday, July 27, a full week after they were sent, so Applicants' assumption seems misguided due to the efficiency or lack thereof of the US Postal Service.

Secondly, the concept of simultaneity may have been breached, although it was not. We did not have enough time to go through Applicants' lengthy

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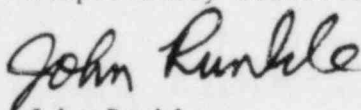
filing. We are not certain as to what "unfair advantage" we might have gained even if we had, especially since Applicants are able to comment on our filing and then respond again on our response to their filing. Our attention was clear in our proposed findings and we decline the opportunity to comment on the findings of the other party. This seems unproductive to us in terms of the time which can be spent commenting on responses.

Thirdly, although Applicants were forced to seek an additional extension after ours, this burden to them is again very small. We apologize for placing this burden on them but are not convinced that any of the problems complained about are very compelling.

The procedure requested by the Applicants seems unduly rigorous. Earlier in this proceeding, several parties, including the Applicants, received orally granted extensions for short periods and we did not complain; sometimes we all get behind or things do not work out. Step 4 also seems to limit the Board's authority by requiring showings of cause for extreme circumstances. The Board is to be more flexible, especially on these insignificant procedural matters.

However, if the Board issues an order covering this area, we would request that the attorney for the Conservation Council be notified, even if it is a contention of the Joint Intervenors. We also would like to know which of the Applicants' attorneys or office managers keeps track of these matters so that we can notify the proper person.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of "Conservation Council's Response to Applicants' Motion to Establish Procedure for Requesting Extensions of Time" were served this 6th day of August, 1984, by deposit in the US Mail, postage prepaid, or by hand to the parties below.

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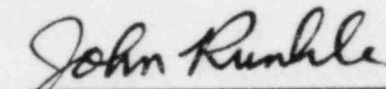
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This is the 6th day of August, 1984