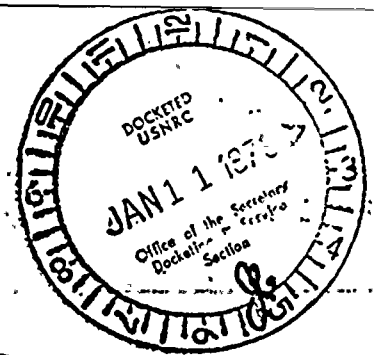


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



1/8/79

In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear Power Plant,
Units 1, 2, 3 and 4)

Docket Nos. 50-400
50-401
50-402
50-403

MOTION TO REMAND TO LICENSING
BOARD FOR FURTHER HEARINGS

Intervenors, Conservation Council of North Carolina and Wake Environment, Inc., respectfully show unto the Commission the following:

1. The Initial Decision in the above-captioned case was based on projections of need for the power to be produced by the plant which were made over a year ago. See Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4) 7 NRC 92 (1978), affirm'd ALAB-490, 7 NRC ____ (Aug. 23, 1978). Since that time the North Carolina Utilities Commission (NCUC) entered an order on December 28, 1978, formally adopting a 1978 load forecast and capacity plan for North Carolina. That report, entitled Future Electricity Needs for North Carolina: Load Forecast and Capacity Plan 1978, calls for Applicant CP&L's entire construction schedule, including all of the Shearon Harris units, to be delayed at least one year. At a hearing to be held in mid-year 1979, Applicant will be "required . . . to show the reasons, if any, why [its] construction schedules should not be delayed to match the Commission's capacity plan." NCUC Report at 15.

2. The Commission made the following findings of fact, inter alia:

Conservation and load management activities by the Commission,

the regulated utilities, and the public can significantly impact future growth rates in peak-load demand. The forecast adopted by the Commission in this report is based on the premise that conservation and load management efforts are not a temporary phenomenon but represent permanent changes in the attitude of society toward the use of energy. NCUC Report at p. 13.

Superior forecasting of the effects of conservation and load management is needed. The Commission is directing the utilities and the Public Staff to present detailed analyses concerning these matters in the 1979 hearings. To allow sufficient time those hearings are being moved to mid-year. NCUC Report, p. 16.

The Commission later states in the body of its forecast and capacity plan the following:

Since the time of the /1978/ hearings, the 1977-1978 winter and 1978 summer peaks have been established at much lower values than had been predicted. . . . The Commission concludes that, for planning purposes, C. P. & L's load can be expected to grow at an average annual rate of 5.2 %. NCUC Report, p. 21.

The Commission presents in Table A the adopted load growths used in developing its plan for the capacity additions shown in Table B. Table C shows the percent reserves which will result if these load forecasts and capacity additions are met. The result of these capacity addition plans is to delay the complete construction schedule of CP&L at least one year. . . . CP&L provided no evidence, either economic or operational, to indicate that its present construction schedule should not be delayed to match the expected load growth. NCUC Report, p. 22.

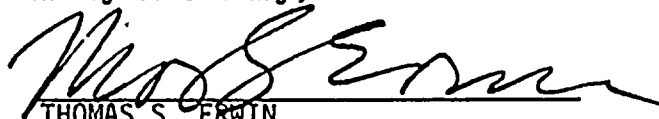
. . . CP&L's complete [construction] schedule is delayed. With regard to CP&L, the Commission feels that the Company has not provided satisfactory evidence concerning the economics of its construction schedule. The Commission will require that the utilities and the Public Staff present to the Commission in its 1979 hearing a full analysis of the present construction schedules and the reasons, if any, that the utilities should not reschedule their construction according to the capacity addition plans adopted herein. NCUC Report, at 26.

It is imperative that generating unit construction be so planned as to be economically deferrable in the event that even more significant reductions in load growth can be effected." NCUC Report, p. 27.

A full copy of the NCUC order and report has been forwarded to the Commission by the Applicant. Apparently all matters relating to this case are pending before the full Commission, except for the previously remanded portion of the proceeding dealing with the management qualifications of CP&L. Accordingly,

Intervenors move the Commission to remand to the Licensing Board the issue as to whether there is a need for the proposed facility within the time-frame set forth in the construction permits and to direct the Licensing Board to take further evidence regarding this issue. Intervenors do so at this time, prior to the mid-1979 NCUC hearings, in order to allow ample time for consideration of the motion and for discovery should the motion be granted. Intervenors further move that the Commission direct the Licensing Board to make an independent investigation of the issues to be covered in the NCUC mid-1979 hearings.

Respectfully submitted this 8th day of January, 1979.



THOMAS S. ERWIN

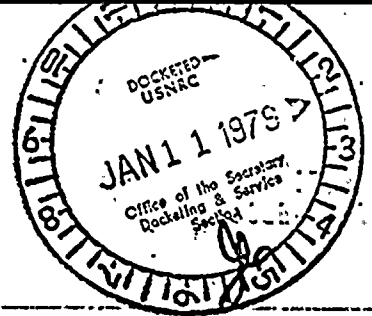
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Motion to Remand
To Licensing Board for Further Hearings by mailing the same postage prepaid
and addressed to the following:

The Honorable Joseph M. Hendrie
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Washington, D. C. 20555

The Honorable Richard T. Kennedy
Commissioner
U. S. Nuclear Regulatory Commission
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The Honorable John F. Ahearne
Commissioner
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Mr. Alan S. Rosenthal, Chairman
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This 21 day of January, 1979.

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