

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Unit 1)

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Notice of Withdrawal of Eddleman Contentions 85/86 and Second
Motion to Reinstate Contention 58(2d) (Financial Qualifications)

This is to confirm that contentions 85/86 are withdrawn for
procedural reasons (to allow time for hearing on Joint II and Eddleman
8FQ1). I believe CP&L's people were working toward, and asymptotically
approaching, a settlement on the lines outlined by Judge Carpenter.

MOTION

Counsel advises me that on April 16, 1984 the DC Circuit
Court of Appeals issued its mandate striking down the NRC's deletion
of financial qualifications from NRC proceedings. Counsel advises
that the Court's mandate invalidates the rule of 1982 by which the
NRC removed the financial qualifications issue from consideration,
and therefore, a motion to reinstate contention 58(2d) is in order.

It appears to me that the NRC has no authority or power to
overrule or evade the Court's mandate; therefore, contention 58(2d)
ought to be admitted now to avoid delaying the proceedings later.

I understand a similar contention is now under litigation in Byron
pursuant to the Court's mandate.

Wells Eddleman
Wells Eddleman

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