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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

1 March 1985
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
OFFICE OF SECRETARY
REGULATING & SERVICE
BRANCH

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

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

Motion to Reconsider re Contention 57-C-7

I understand the D.C. Circuit Court of Appeals has issued an opinion in case 84-1091 (12 February 1985) reversing the Nuclear Regulatory Commission decision in San Onofre (on which this Board evidently relied in limiting the admission of contention 57-C-7) that a list of hospitals able to treat contaminated injured radiation victims in and emergency response plan is sufficient.

The Court said, "For the reasons stated we reject as irrational the NRC's generic interpretation of section 50.47(b)(12) with respect to members of the public exposed to dangerous levels of radiation. Accordingly we vacate the dispositions on review that state or apply the generic interpretation and remand this matter to the agency for further consideration consistent with this opinion." This would appear to void the Board's ruling limiting admission of 57-C-7 due to NRC's San Onofre decision.

Therefore I ask to Board to reconsider and admit Contention 57-C-7 as originally drafted (or appropriately modified consistent with the Court of Appeals' decision)

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