

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N. W.

WASHINGTON, D. C. 20036

(202) 822-1000

TELECOPIER

(202) 822-1099 & 822-1199

RAPIDFAX 100

(202) 822-1072

TELEX

69-2693 (SHAWLAW WSH)

CABLE "SHAWLAW"

JOHN F. DEALY*

COUNSEL

JEFFERY L. YABLON
JACK MCKAY
THOMAS H. MCCORMICK
JOHN L. CARR, JR.
PHILIP J. HARVEY
ROBERT M. GORDON
BARBARA J. MORGAN
BONNIE S. GOTTLIEB
HOWARD H. SHAFFERMAN
DEBORAH B. BAUSER
SCOTT A. ANENBERG
CAMPBELL KILLEFER
SETH H. HOOGASIAN
SHEILA MCC. HARVEY
DELISSA A. RIDGWAY
KENNETH J. HAUTMAN
DAVID LAWRENCE MILLER
FREDERICK L. KLEIN
STEVEN P. PITLER*
RICHARD J. PARRINO
ELLEN A. FREDEL*
HANNAH E. M. LIEBERMAN
SANDRA E. FOLSOM
JUDITH A. SANDLER
EDWARD D. YOUNG, III

ANDREW D. ELLIS
RICHARD A. SAMP
THOMAS E. CROCKER, JR.
WENDELIN A. WHITE
STANLEY M. BARG
KRISTI L. LIMBO
LESLIE K. SMITH
VIRGINIA S. RUTLEDGE
KATHERINE P. CHEEK
JANICE LEHRER-STEIN
TRAVIS T. BROWN, JR.
RICHARD H. KRONTHAL
STEPHEN B. HEIMANN
SANDRA E. BRUSCA*
EILEEN L. BROWNELL
PAMELA H. ANDERSON
ALEXANDER D. TOMASZCZUK
PHILIP D. PORTER
MICHAEL A. SWIGER
ELLEN SHERIFF
ANITA J. FABIAN
EILEEN M. GLEIMER
DAVID R. SAHR
C. BOWDOIN TRAIN
* NOT ADMITTED IN D.C.

RAMSAY D. POTTS, P.C.
STUART L. PITTMAN, P.C.
GEORGE F. TROWBRIDGE, P.C.
STEPHEN D. POTTS, P.C.
GERALD CHARNOFF, P.C.
PHILLIP D. BOSTWICK, P.C.
R. TIMOTHY HANLON, P.C.
GEORGE M. ROGERS, JR., P.C.
FREDA A. LITTLE, P.C.
JOHN B. RHINELANDER, P.C.
BRUCE W. CHURCHILL, P.C.
LESLIE A. NICHOLSON, JR., P.C.
MARTIN D. KRALL, P.C.
RICHARD J. KENDALL, P.C.
JAY E. SILBERG, P.C.
BARBARA M. ROSSOTTI, P.C.
GEORGE V. ALLEN, JR., P.C.
FRED DRASNER, P.C.
R. KENLY WEBSTER, P.C.
NATHANIEL P. BREED, JR., P.C.
MARK AUGENBLICK, P.C.
ERNEST L. BLAKE, JR., P.C.
CARLETON S. JONES, P.C.
THOMAS A. BAXTER, P.C.
JAMES M. BURGER, P.C.
SHELDON J. WEISEL, P.C.

JOHN A. McCULLOUGH, P.C.
J. PATRICK HICKEY, P.C.
GEORGE P. MICHAELY, JR., P.C.
J. THOMAS LENHART, P.C.
STEVEN L. MELTZER, P.C.
DEAN D. AULICK, P.C.
JOHN ENGEL, P.C.
CHARLES B. TENKIN, P.C.
STEPHEN S. HUTTLER, P.C.
WINTHROP N. BROWN, P.C.
JAMES B. HAMLIN, P.C.
RANDAL B. KELL, P.C.
ROBERT E. ZAHLER, P.C.
ROBERT B. ROBBINS, P.C.
STEVEN M. LUCAS, P.C.
DAVID M. RUBENSTEIN, P.C.
RICHARD E. GALEN
LYNN WHITTLESEY WILSON
MATIAS F. TRAVIESO-DIAZ
VICTORIA J. PERKINS
JOHN H. O'NEILL, JR.
JAY A. EPSTEN
RAND L. ALLEN
TIMOTHY B. MCBRIDE
ELISABETH M. PENOLETON
HARRY H. GLASSPIEGEL

WRITER'S DIRECT DIAL NUMBER

July 8, 1983

822-1090

James L. Kelley, Esquire
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

In the Matter of
Carolina Power & Light Company and North
Carolina Eastern Municipal Power Agency
(Shearon Harris Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-400 and 50-401 OL

Administrative Judges Kelley, Bright and Carpenter:

In the enclosed pleadings, Applicants have attempted to take account of the recent Commission Memorandum and Order in Duke Power Company, et al. (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 N.R.C. (June 30, 1983). I want to call the Board's attention to the suggestion Applicants have made in the enclosed pleadings, based upon our reading of CLI-83-19, that the Board may wish to advise Mr. Eddleman to be prepared to address all of the factors in 10 C.F.R. § 2.714(a)(1), during any argument heard on his DES contentions at the prehearing conference scheduled to begin on July 20. If the Board reads CLI-83-19 to require consideration of all five factors in

8307130231 830708
PDR ADOCK 05000400
G PDR

DS03

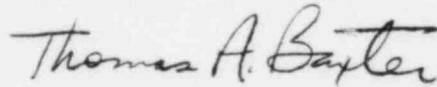
SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

James L. Kelley, Esquire
Mr. Glenn O. Bright
Dr. James H. Carpenter
July 8, 1983
Page Two

section 2.714(a)(1) as a part of its decisions on Mr. Eddleman's DES contentions, this procedure would potentially avoid an additional round of pleadings and preserve the utility of the conference in defining the issues for the proceeding.

Respectfully submitted,



Thomas A. Baxter
Counsel for Applicants

TAB:jah

cc: Service List

July 8, 1983

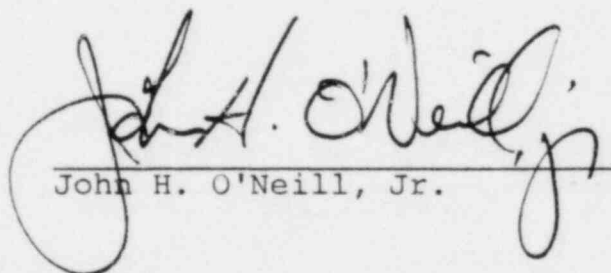
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
AND NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "APPLICANTS' MOTION FOR RECONSIDERATION OF CCNC CONTENTION 4 AND CHANGE CONTENTION 9 AND APPLICANTS' RESPONSE TO INTERVENOR WELLS EDDLEMAN'S CONTENTIONS REGARDING SPENT FUEL TRANSPORTATION" and "APPLICANTS' RESPONSE TO CONTENTIONS OF INTERVENOR WELLS EDDLEMAN RELATING TO THE DRAFT ENVIRONMENTAL STATEMENT" were served this 8th day of July, 1983, by deposit in the U.S mail, first class, postage prepaid, to the parties on the attached Service List.



John H. O'Neill, Jr.

Dated: July 8, 1983

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

)
)
)
)
)
)
)
)

Deborah Greenblatt, Esquire
1634 Crest Road
Raleigh, North Carolina 27606

Service List
Page Two

Bradley W. Jones, Esquire
U.S. Nuclear Regulatory Commission
Region II
101 Marrietta Street
Atlanta, Georgia 30303

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

Karen E. Long, Esquire
Public Scaff - NCUC
Post Office Box 991
Raleigh, North Carolina 27602