

238

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

In the matter of
Philadelphia Electric Company
(Limerick Generating Stations
Units 1 and 2)

Dockets Nos 50-352 and 353.0L
'84 MAY 18 AIO:46

Resubmittal of C.A.N.E. Financial Qualification Contention in light of recent
D.C. Court of Appeals Order.

RECEIVED
DOCKETING & SEARCH
BRANCH

On 5-5-84, Marvin Lewis, legal representative for C.A.N.E., received by Express Mail from the NRC, a letter from Nathene A. Wright. Enclosed in the letter, which was sent in response to an order by the present ASLB, was a copy of the Court of Appeals Order on which I base my and C.A.N.E.'s right to resubmit this Contention. Also I respectfully request the Board's forbearance. Some delay was necessitated in that the C.A.N.E. legal representative is not a lawyer and required extra research time to fathom that resubmittal of the Contention is appropriate at this time.

This contention is both timely and appropriate at this time.

1. This contention is submitted within 10 days of the first knowledge of the DC Court of Appeals Order. This 10 days seems to be the general rule throughout the 10CFR Part 2. I am considering the NRC April 14 letter as a answer to a Board Order. Therefore in Part 2 Chapter 2.706, this Contention is a reply to an answer and timely filed up to May 15 which is 10 days after receipt.
2. This contention is most appropriate. The PECO financial condition has deteriorated further. Also PECO now has Salem in its rate base but may not be allowed to collect for Salem outages. This 'having and not having' shows how problematical the financial condition of PECO or any regulated utility can be. Also the Order of the DC Court of Appeals directly requires the NRC to allow a similar contention to be considered in another OL Hearing. The parallel and similarities are exact. There is no reason not to accept this contention and a DC Court Order requiring acceptance in a precedent making hearing.

I respectfully apologize to the Board since this submittal is not couched in proper legal format. I hope that this will not affect the Board's decision adversely.

Respectfully submitted,

Marvin Israel Lewis
Legal Representative and
Energy Chairman for
C.A.N.E.

8405180434 840514
PDR ADOCK 05000352
G PDR

The above letter was placed in first class mail on 14 May 1984.
The distribution list was the one included in the NRC letter of May 4, 84, above.

7503