

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

5  
June 4, 1984

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

DOCKETED  
USNRC  
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This is to confirm that contentions 85/86 are withdrawn for  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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