

CONTROL NO: 4270
FILE: ENVIRO

FROM: Carolina Power & Light Raleigh, NC J A Jones		DATE OF DOC 4-16-75	DATE REC'D 4-21-75	LTR XX	TWX	RPT	OTHER
TO: Mr Rusche		ORIG one signed	CC	OTHER	SENT AEC PDR <u>XX</u> SENT LOCAL PDR <u>XX</u>		
CLASS	UNCLASS XXXXXXXXXX	PROP INFO	INPUT	NO CYS REC'D 1	DOCKET NO: 50-261		

DESCRIPTION:
Ltr trans the following:

ACKNOWLEDGMENT
DO NOT REPLY

PLANT NAME: H B Robinson #2.

ENCLOSURES:
A copy of the letter mailed to Mr J D Whisenhunt.....informing him of his status with regard to NPDES permit hearing.....

FOR ACTION/INFORMATION 4-21-75 ehf

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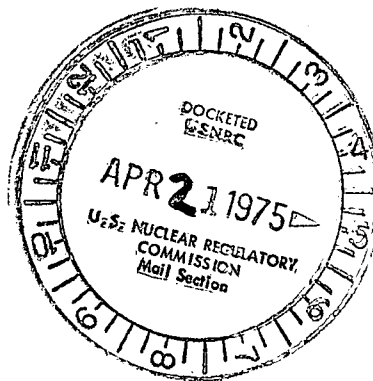
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Carolina Power & Light Company

April 16, 1975

REGULATORY



Mr. Benard C. Rusche, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

RE: DOCKET NO. 50-261

Dear Mr. Rusche:

On December 31, 1974, the U. S. Environmental Protection Agency issued to Carolina Power & Light Company a National Pollutant Discharge Elimination System (NPDES) permit for our H. B. Robinson Steam Electric Plant. On January 17, 1975, the Company submitted a petition to the EPA contesting portions of the NPDES permit and requesting an adjudicatory hearing. The Company's petition was granted by EPA on March 19, 1975, and the hearing will be scheduled at some future date.

Subsequently, Mr. John D. Whisenhunt, who is an intervenor in the NRC proceedings for the H. B. Robinson Unit 2 environmental review, also petitioned EPA for an adjudicatory hearing concerning the NPDES permit. In a letter dated April 2, 1975, the EPA granted Mr. Whisenhunt status as a party to the hearing. This has the effect of placing the same issues Mr. Whisenhunt has raised before NRC in contention before EPA.

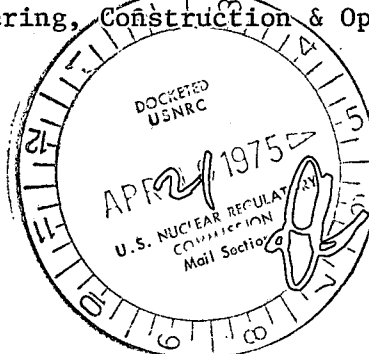
In order to keep the NRC apprised of any matters concerning regulatory requirements for the H. B. Robinson Unit No. 2, we are enclosing herewith a copy of the EPA letter informing Mr. Whisenhunt of his status with regard to the NPDES permit hearing.

Yours very truly,

J. A. Jones
Executive Vice President
Engineering, Construction & Operation

JAJ/sb

Enclosure



4270

336 Fayetteville Street • P. O. Box 1551 • Raleigh, N. C. 27602

APR 2 1975

Ref: 4AEL:JWW

Mr. John D. Whisenhunt
Attorney at Law
Post Office Box 26
Florence, S. C. 29501

RE: Request for Adjudicatory
Hearing - Lot 15, Subdivision
No. 2 - Lake Robinson
Plant of the Carolina Power
and Light NPDES Permit
No. SC0002925

Dear Mr. Whisenhunt:

The Environmental Protection Agency has granted to the Carolina Power and Light Company an adjudicatory hearing to reconsider the determination with regard to the terms and conditions of the above referenced NPDES permit. In accordance with 40 CFR 125.36(c)(3) your request for a hearing is being considered as a request to be a party. As the Agency finds that your request sets forth material issues to be considered at that hearing in accordance of the provisions of 40 CFR 125.36(d)(1), the request is hereby granted. This matter will be assigned for hearing as expeditiously as possible; and you will, of course, be notified of any pre-hearing conferences or other proceedings relative to this adjudicatory hearing.

While the Agency has granted this hearing on the basis of fulfillment of the provisions of the NPDES regulations, no determination has been made on the sufficiency of any element of your request; thus the granting of this hearing should not be construed in any way as addressing the merits of the issues raised by the request. Those questions which are determined to be issues of law within the meaning of 40 CFR 125.36(m) will be certified by the staff to the presiding officer for briefing from all parties and subsequent referral to the Assistant Administrator for Enforcement and General Counsel for resolution.

In accordance with section 125.35 of 40 CFR, the contested terms and conditions of the subject permit are stayed and have been considered stayed since the filing of the company's request. All other terms and conditions of the permit are effective and must be complied with.

Agency counsel for this Adjudicatory Hearing will be Mr. John W. Wilcox of my staff. Please address all future communication concerning this hearing to him.

Sincerely,

/s/ John C. White, Deputy

Jack E. Ravan
Regional Administrator

cc: Mr. Charles Jeter
South Carolina Department of Health
and Environmental Control

Mr. Richard E. Jones
Carolina Power and Light Company