

February 10, 1983

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-261-OLA
)	
CAROLINA POWER & LIGHT COMPANY)	ASLBP No. 83-484-03LA
)	
(H. B. Robinson Steam Electric)	
Plant, Unit 2))	

CAROLINA'S RESPONSE TO MOTIONS
BY HARTSVILLE AND CFDC
TO EXTEND DATES FOR FILING OF CONTENTIONS
AND FOR PREHEARING CONFERENCE

By Order dated January 21, 1983, the Licensing Board established February 24, 1983, as the date for filing contentions in this proceeding and March 24, 1983, as the date for a prehearing conference. Petitioners Hartsville Group (Hartsville) and Concerned Fools of Darlington County (CFDC) have filed requests with the Board for extension of these dates. (Hartsville Motion for Continuance, served February 3, 1983, and CFDC Request for Reconsideration of Order Scheduling Prehearing Conference, served February 2, 1983).

Carolina Power & Light Company (Carolina) would not object to a minor adjustment in the schedules set by the Board to accommodate conflicts occasioned by other obligations of petitioners' representatives. We have so informed NRC's counsel,

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who undertook to contact petitioners' representatives to discuss the schedule. We understand that Staff counsel was unable to contact the Hartsville representative. The CFDC representative, we understand, suggested a two week extension of the schedule but based the extension on her desire for more time to prepare contentions rather than conflicts in her schedule. For the reasons stated below, Carolina opposes an extension of this duration.

1. Both Hartsville and CFDC misread the Commission's regulations. Section 2.714(b) of the Rules of Practice sets out the latest, not the earliest, date by which contentions must be filed. In any event, the authority of the Board to set pre-hearing schedules is clearly established by Section 2.718 which authorizes the Board to regulate the course of the hearing and by Section 2.711 which authorizes the Board for good cause to extend or shorten time periods otherwise prescribed. In this proceeding the Board has indicated not only that it wishes the parties to confer on contentions but for Carolina and the Staff to file written answers to the contentions prior to the prehearing conference -- a step not mandated by the regulations. The 30-day interval between the filing of contentions and the prehearing conference is entirely reasonable to accomplish this objective.

2. Both Hartsville and CFDC assume without justification that the purpose and effect of the 30-day period is to shorten the length of time that they would otherwise have had

to file contentions. Quite the contrary may be true. It is more rational to assume that the Board determined in the first instance a reasonable period of time for the preparation of contentions and then set the date for the prehearing conference to allow for consultation between parties on the contentions and the filing of answers by Carolina and the Staff. By February 24, 1983, Hartsville and CFDC will have had nearly two months since filing their petitions to intervene, and approximately six weeks since receipt of Carolina's Final Steam Generator Repair Report, in which to prepare their contentions and bases therefor. Considering the limited scope of the proceeding that time should be more than adequate.

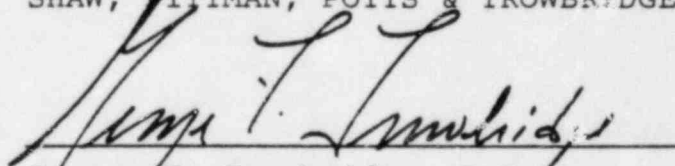
3. CFDC asserts that no good cause exists for not delaying the prehearing conference. This assertion simply overlooks the schedule on which a license amendment may be required and the length of the prehearing and hearing process.

As we informed the Board in our responses to the petitions to intervene, the currently scheduled date for beginning the steam generator repairs is the next scheduled reactor refueling in February, 1984, but repairs could be rescheduled as early as November, 1983, in order to avoid a possible plant shutdown or derating. Advancement of the repair schedule could be necessitated by further leaking of the steam generator tubes presently in place. It could also be necessitated by the need for earlier refueling due to loss of reactivity if the Robinson plant is able to sustain the steady capacity factor achieved in recent months.

To accommodate a November repair start and to allow for the filing of post-hearing findings and the issuance of a Board decision, the evidentiary hearing should be held at the latest in September. Time must be allowed before the hearing for adequate discovery, resolution of discovery disputes, filing of and answers to motions for summary judgment, and the resolution of other matters that inevitably arise. All of these take place in the period after contentions have been filed and ruled upon and before testimony is prepared. Rulings on petitioners' contentions even in early April would make it difficult at best to complete even discovery and summary disposition proceedings before the preparation of testimony for a September hearing.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



George F. Trowbridge, P.C.

Dated: February 10, 1983

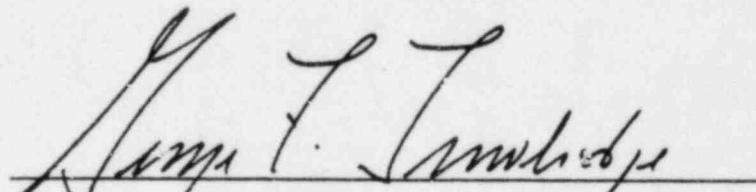
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CAROLINA POWER & LIGHT COMPANY)	ASLBP No. 83-484-03LA
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(H. B. Robinson Steam Electric)	
Plant, Unit 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Carolina's Response to Motions by Hartsville and CFDC to Extend Dates for Filing of Contentions and for Prehearing Conference," dated February 10, 1983, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 10th day of February, 1983.


George F. Trowbridge, P.C.

Dated: February 10, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-261
)	(Steam Generator
(H. B. Robinson Steam Electric)	Repairs)
Plant, Unit 2))	

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