

December 12, 1983

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'83 DEC 15 A10:25

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

APPLICANT'S MOTION TO STRIKE CONTENTION 2

Applicant Carolina Power & Light Company hereby moves the Board to strike Contention 2 as moot.

In its Notice of Hearing dated December 2, 1983, the Board referred to its previous Memorandum and Order of April 12, 1983, which admitted inter alia Hartsville Group's Contention 2, in establishing the issues to be litigated at the hearing to commence on February 7, 1984. Contention 2 asserts that the National Environmental Policy Act requires the NRC Staff to prepare an environmental impact statement prior to issuance of amendments to the Robinson Unit 2 operating license authorizing replacement of steam generators. In admitting Contention 2, the Board noted: "Should Staff's environmental appraisal lead to preparation of an EIS, the contention will be rendered moot and stricken." April 12 Memorandum and Order at 7.

The NRC Staff has prepared and issued its "Final Environmental Statement related to Steam Generator Repair at H. B. Robinson Steam Electric Plant, Unit No. 2", NUREG-1003 (November 1983). Contention 2 is thereby moot.

8312160014 831212  
PDR ADOCK 05000261  
G PDR

D503

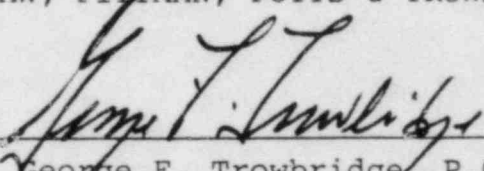
During a conference call on this date, counsel for the Staff and a representative of the Hartsville Group authorized Applicant's counsel to represent that they concurred in this Motion to Strike.

Accordingly, Applicant respectfully requests that the Board issue an order striking Contention 2.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By:

  
George F. Trowbridge, P.C.

Dated: December 12, 1983

December 12, 1983

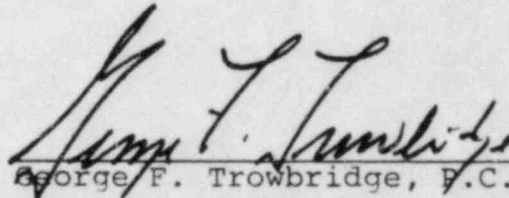
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Motion to Strike Contention 2," dated December 12, 1983, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 12th day of December, 1983.

  
George F. Trowbridge, P.C.

Dated: December 12, 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-OLA
	)	
(H. B. Robinson Steam Electric	)	ASLBP No. 83-484-03LA
Plant, Unit 2)	)	

SERVICE LIST

Administrative Judge Morton B. Margulies  
Chairman, Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge David L. Hetrick  
Atomic Safety and Licensing Board  
Professor of Nuclear Engineering  
University of Arizona  
Tucson, Arizona 85721

Docketing & Service Section (3)  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Richard G. Bachmann, Esq.  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

B. A. Matthews  
Hartsville Group  
P. O. Box 1089  
Hartsville, South Carolina 29550

Dr. John C. Ruoff  
P. O. Box 96  
Jenkinsville, South Carolina 29065

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

Atomic Safety and Licensing Appeal  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Samantha Francis Flynn, Esq.  
Carolina Power & Light Company  
P. O. Box 1551  
Raleigh, North Carolina 27602