

DOCKETED
USNRC

April 4, 2001

01 APR -5 P3:17

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE COMMISSIONOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

CAROLINA POWER & LIGHT)

COMPANY)

(Shearon Harris Nuclear Power Plant))

Docket No. 50-400-LA

ASLBP No. 99-762-02-LA

**CAROLINA POWER & LIGHT COMPANY'S OPPOSITION TO ORANGE
COUNTY'S MOTION FOR LEAVE TO REPLY AND
SUPPORT OF THE NRC STAFF'S MOTION TO STRIKE**

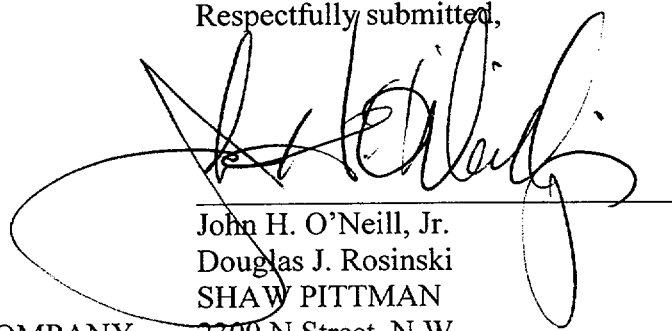
Carolina Power & Light Company ("CP&L") opposes the motion of the Board of Commissioner's of Orange County, North Carolina ("BCOC") for leave to reply to CP&L's and the NRC Staff's Answers to BCOC's Emergency Stay Request and Petition for Review. Commission regulations specifically state that "the petitioning party shall have no right to reply," 10 C.F.R. § 2.786(b)(3), and that "[n]o further replies to answers will be entertained." 10 C.F.R. § 2.788(d).¹ BCOC's attempt to obtain special Commission permission to reply is particularly inappropriate here, where BCOC has already grossly exceeded the argument allotted to it pursuant to the very regulations it now attempts to invoke.²

¹ See also Hydro Resources, Inc. (2929 Coors Blvd. Suite 101, Albuquerque, NM), LBP-98-5, 47 NRC 119 (1998) (denying motion for leave to reply); Curators of the University of Missouri (Byproduct License No. 24-00513-32; SNM License No. SNM-247), LBP-90-38, 32 NRC 359 (same).

² See Order, Docket No. 50-400-LA (Mar. 21, 2001).

CP&L also supports the NRC Staff's Motion to Strike certain portions of Dr. Gordon Thompson's Declaration of March 16, 2001. In addition to the reasons identified by the Staff in its Motion, CP&L respectfully suggests that the Commission should not tolerate BCOC's unprofessional attacks on the integrity of the Licensing Board, in the guise of a declaration, in a futile attempt to rehabilitate Dr. Thompson's inadequacies. As CP&L and the Staff have consistently stated, Dr. Thompson's work speaks for itself.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to John H. O'Neill, Jr., is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

John H. O'Neill, Jr.
Douglas J. Rosinski
SHAW PITTMAN
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000
Counsel For CAROLINA POWER
& LIGHT COMPANY

Of Counsel:
Steven Carr
Legal Department
PROGRESS ENERGY SERVICE COMPANY
411 Fayetteville Street Mall
P.O. Box 1551 – CPB 17B2
Raleigh, N.C. 27602-1551
(919) 546-4161

Dated: April 4, 2001

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	
)	
CAROLINA POWER & LIGHT)	Docket No. 50-400-LA
COMPANY)	ASLBP No. 99-762-02-LA
(Shearon Harris Nuclear Power Plant))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Carolina Power & Light Company's Opposition to Orange County's Motion for Leave to Reply and Support of the NRC Staff's Motion to Strike" dated April 4, 2001, was served by electronic mail transmission and first class mail on this 4th day of April, 2001, on the persons listed below.

Office of the Commission Appellate
Adjudication
Mail Stop: O 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Email: hrb@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

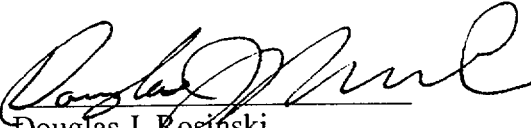
Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W.
Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

Susan L. Uttal, Esq.
Jennifer M. Euchner, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: harris@nrc.gov
slu@nrc.gov

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

James M. Cutchin, V, Esq.
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: jmc3@nrc.gov

* by mail only


Douglas J. Kosinski