

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED  
USNRC

Before Administrative Judges:

June 8, 2007 (10:51am)

Ann Marshall Young, Chair  
Dr. Peter S. Lam  
Dr. Alice Mignerey

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of:

CAROLINA POWER & LIGHT COMPANY  
(Shearon Harris Nuclear Power Plant, Unit 1)

Docket No. 50-400-LR

ASLBP No. 07-855-02-LR-BD01

June 8, 2007

PETITIONERS' RESPONSE TO ORDER  
(Regarding Schedule and Guidance for Proceedings)

NOW COME the Petitioners, the North Carolina Waste Awareness and Reduction Network (NC WARN) and the Nuclear Information and Resource Service (NIRS) with a response to the questions posed in the Order Regarding Schedule and Guidance for Proceedings issued on June 5, 2007, and related matters.

1. Service date. Petitioners submitted their hearing request and intervention petition by email to the Commission on May 19 and by overnight delivery on that same day. This is the service day to be used to set dates for responses.

2. Dates for argument. Of the two dates presented by the ASLB, June 28 or July 17, 2007, Petitioners prefer the July 17 date because of previous commitments by counsel. Counsel has discussed other possible dates with counsel from Progress Energy and the NRC, and is generally available at the Board's convenience after July 16. The July 17 date or a later date would also give interested persons and local government representatives more notice for the possible limited appearance session as described in 10 C.F.R. § 2.315.

3. Oral argument and limited appearance session. Petitioners support scheduling the oral arguments on the petition near the Shearon Harris NPP. Counsel suggests that a phone

conference will not be adequate given the volume of documents that will be in the record, and the possible need for counsel and Board members to handle those documents and other matters efficiently. Scheduling the oral arguments near the Shearon Harris NPP would also facilitate the limited appearance session, allowing concerned persons and local government representatives to present their testimony directly to the Board.

4. Extension of time. Petitioners reserve the right to request an extension of time to reply to briefs by the other parties, depending on their length and the issues that are presented in them.

5. Service. This filing is being served by email (WordPerfect and Adobe Acrobat formats) on those served with the Order issued on June 5, 2007. Note that I have added representatives of NC WARN and NIRS to the email list, Jim Warren is [jim@NCWARN.org](mailto:jim@NCWARN.org) and Paul Gunter is [pgunter@nirs.org](mailto:pgunter@nirs.org). As a matter of convenience, orders and filings sent by email should be sent to them in addition to the Board, staff and counsel.

An original and two conforming paper copies are being filed by mail to the Office of the Secretary with copies to counsel for Progress Energy and the NRC.

This is the 8<sup>th</sup> day of June, 2007.

FOR THE PETITIONERS



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June 8, 2007

Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: Petitioners' Response to Order  
Carolina Power & Light Company  
Shearon Harris Nuclear Power Plant, Unit 1 (Docket No. 50-400)

Dear Sirs:

Attached please find the original and two copies of Petitioners' Response to Order in this proceeding. By copy of this letter, I am serving the members of the ASLB and counsel for the other parties.

Sincerely,



John D. Runkle

cc. ASLB members  
David Roth, OGC  
John O'Neill, Pillsbury Winthrop