

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul B. Abramson, Chairman
Dr. Michael F. Kennedy
Dr. William E. Kastenber

In the Matter of
PROGRESS ENERGY CAROLINAS, INC.
(Shearon Harris Nuclear Power Plant, Units 2
and 3)

Docket Nos. 52-022-COL and
52-023-COL
ASLBP No. 08-868-04-COL-BD01
August 20, 2008

MEMORANDUM AND ORDER
(Concerning Administrative Matters)

This memorandum addresses a motion, imbedded in the petition for intervention in the application for a combined operating license for the Shearon Harris Nuclear Power Facility in North Carolina, for reconsideration of a Commission decision.

On August 4, 2008, Petitioner North Carolina Waste Awareness and Reduction Network, Inc. ("NC WARN") filed its petition to intervene in this matter.¹ Imbedded in that petition, on page 7, was a request that the Commission reconsider its decision in CLI-08-15 denying NC WARN's motion to indefinitely postpone the hearing notice for this case.² On August 14, 2008, the Applicant, Progress Energy, filed a response before the Secretary in opposition to NC WARN's motion for reconsideration, noting that this Board has no authority to reconsider a Commission decision.³ On August 19, 2008, NC WARN further filed with this Board its reply to

¹ Petition for Intervention and Request for Hearing by the North Carolina Waste Awareness and Reduction Network (Aug. 4, 2008).

² Id. at 7; see Progress Energy Carolinas (Shearon Harris Nuclear Power Plant, Units 2 and 3), CLI-08-15, 67 NRC __ (slip op.) (July 23, 2008).

³ Progress Energy's Response in Opposition to Motion for Reconsideration by the North Carolina Waste Awareness and Reduction Network (Aug. 14, 2008).

Progress Energy's August 14 response. Progress Energy is correct in observing that this Board is not the proper venue for a motion to reconsider a Commission decision, and therefore that "motion" imbedded in NC WARN's Petition for Intervention will not be addressed by this Board. We direct the parties to address any motions and replies on that subject to the Commission. As to the petition to Intervene, we direct the Parties that answers and replies are due in accordance with the relevant provisions of our regulations.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul B. Abramson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 20, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PROGRESS ENERGY CAROLINAS, INC.) Docket No. 52-022 and 52-023-COL
)
(Shearon Harris, Units 2 and 3))
)
(Combined Operating License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (CONCERNING ADMINISTRATIVE MATTERS) have been served upon the following persons by Electronic Information Exchange.

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LB MEMORANDUM AND ORDER (CONCERNING ADMINISTRATIVE MATTERS)

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LB MEMORANDUM AND ORDER (CONCERNING ADMINISTRATIVE MATTERS)

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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of August 2008