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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Frederick J. Shon
Dr. Peter S. Lam

CP&L
ASLBP
ADJUD

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In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear
Power Plant)

Docket No. 50-400-LA

ASLBP No. 99-762-02-LA

March 4, 1999

MEMORANDUM AND ORDER
(Extending Date for
Submitting Proposed
Protective Order)

In the Licensing Board's February 24, 1999 initial prehearing order, we provided that any request for a protective order in connection with a proprietary portion of the December 23, 1998 Carolina Power & Light Company (CP&L) amendment application at issue in this proceeding should be submitted by March 4, 1999. See Licensing Board Memorandum and Order (Feb. 24, 1999) at 3 n.1 (unpublished). In a telephone conference yesterday with the Board Chairman, counsel for CP&L and for petitioner Board of Commissioners of Orange County, North Carolina, (BCOC) indicated that arrangements were being made to provide the proprietary material to BCOC by the beginning of next week for review to decide if any proprietary portions would need to be included

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SECY-02

as part of BCOC's contentions. Counsel suggested that the date for requesting a protective order be extended to permit a determination about whether such an order would be necessary. NRC staff counsel, who also participated in the telephone conference, indicated she had no objection to this request.

The BCOC request to extend the date for filing a protective order motion is granted. Any motion for a protective order regarding Enclosure 7 to the CP&L application shall be filed on or before Friday, March 19, 1999. The request should include a proposed order and a statement indicating the position of the other participants with respect to the motion.

The filings permitted under this memorandum and order should be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt by midnight Eastern Time (ET) on the day of filing.

See Licensing Board Memorandum and Order (Initial Prehearing Order) (Feb. 24, 1998) at 9 (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Boliwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 4, 1999

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for applicant CP&L and intervenor BCOC; and to counsel for the staff by e-mail through the agency's wide area network system.

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Docket No.(s) 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O--EXT. DATE..PROT. ORDER have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Frederick J. Shon
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

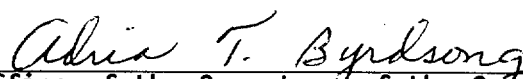
Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Marian L. Zobler, Esq.
Richard G. Bachmann, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, DC 20009

William D. Johnson
Vice President and Senior Counsel
Carolina Power & Light Company
P. O. Box 1551
Raleigh, NC 27602

Dated at Rockville, Md. this
4 day of March 1999


Office of the Secretary of the Commission