



# NRC NEWS

## U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: [opa@nrc.gov](mailto:opa@nrc.gov)

Web Site: <http://www.nrc.gov/OPA>

No. 01-016

February 16, 2001

### **NRC DIRECTS CP&L NOT TO STORE SPENT FUEL IN ADDITIONAL STORAGE POOLS PENDING FURTHER ORDER**

The Nuclear Regulatory Commission has directed its staff to provide the Commission with additional information on a recently approved Carolina Power & Light Company (CP&L) license amendment and directed CP&L not to store spent nuclear fuel at its Shearon Harris Nuclear Power plant in Raleigh, N.C., in two additional spent fuel pools until the storage is approved by the NRC's Atomic Safety and Licensing Board (ASLB) or another order is issued by the Commission.

The NRC staff in December had approved CP&L's request to expand the capacity for storage of spent nuclear fuel by placing two additional spent fuel pools in service. As permitted by the Atomic Energy Act and NRC regulations, this staff action was taken even though a hearing by an NRC Atomic Safety and Licensing Board (ASLB) has not been completed because the NRC staff had completed its review of the request and the associated issues.

The Board of Commissioners of Orange County, N.C., which is a party to the ASLB hearing, filed a petition for review and request for immediate suspension and stay of the NRC staff's issuance of the license amendment for spent fuel expansion. The five-person Commission that heads up the NRC, in an order issued Wednesday, rejected the Orange County petition, saying it is not permitted by NRC regulations, but said it would determine whether to exercise its discretion and review the NRC staff's decision that resulted in issuance of the license amendment. The Commission directed its staff to provide additional information and views on the issues within 14 days.

The Commission said it "will entertain no further filings on this issue from any party other than the NRC staff."

To preserve the status quo while the Commission considers the additional information to be provided by the staff, it directed the licensee not to store spent fuel under the license amendment. CP&L may continue necessary pre-storage activities if it so chooses.

The Harris plant, located 21 miles southwest of Raleigh, N.C., was originally designed for four reactors, but only one was completed. However, the plant's fuel handling building has four spent fuel pools, as originally planned. The NRC operating license for Harris issued in 1987 authorized CP&L to use two of those pools for storage of spent fuel from the Harris plant and from the company's other nuclear power reactors, Brunswick Units 1 and 2, near Southport, N.C., and H.B. Robinson, near Hartsville, S.C.

In December 1998, CP&L asked the NRC for a license amendment to approve placing the two additional spent fuel pools in service at Harris in order to provide spent fuel storage capacity for all four of its nuclear units through the end of their current licenses.

In February 1999, the Board of Commissioners of Orange County, N.C., filed a petition to intervene and requested a hearing related to CP&L's request. The NRC granted the petition, and established an NRC Atomic Safety and Licensing Board (ASLB) to review Orange County's contentions. The ASLB's review is ongoing.

However, under NRC regulations, the NRC staff may issue an amendment immediately effective in advance of the holding or completion of a hearing, where it has determined that no significant hazards considerations are involved. A proposed amendment involves no significant hazards consideration if operation of the facility in accordance with the amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The NRC staff made a final determination that the amendment for Harris involved no significant hazards considerations and issued an immediately effective amendment on December 21. The basis for this determination was contained in a safety evaluation issued with the amendment. The amendment was subject to modification or other action that may result from the ASLB's decision on the completion of the adjudicatory proceeding.

The ASLB is currently considering legal filings from the parties to the hearing (Orange County, CP&L and the NRC staff) as to whether it is necessary to conduct an oral hearing - - in which the Board would take evidence and hear witnesses - - as opposed to making a decision on the existing written record regarding whether the staff has to conduct a further environmental evaluation.

###