

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ORANGE COUNTY, NORTH CAROLINA
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION and the

UNITED STATES OF AMERICA
Respondents.

No. 01-1246

**UNOPPOSED MOTION OF
CAROLINA POWER & LIGHT COMPANY
FOR LEAVE TO INTERVENE**

Carolina Power & Light Company ("CP&L") respectfully moves, pursuant to 28 U.S.C. § 2348, Rule 15(d) of the Federal Rules of Appellate Procedure, and Circuit Rule 15(b), for leave to intervene as of right in the above-entitled action. In support of its motion, CP&L states the following:

Petitioner has commenced this action to seek review of a final order issued by an Atomic Safety and Licensing Board ("ASLB" or "Board") of the United States Nuclear Regulatory Commission ("NRC") authorizing Amendment No. 103 to Facility Operating License No. NPF-63 allowing CP&L to increase the spent fuel storage capacity at its Shearon Harris Nuclear Power Plant.¹ The Board's action was rendered final by a May 10, 2001, Commission decision denying BCOC's petition for review of LBP-01-09.² CP&L is an original party in the NRC proceeding below.

¹ Carolina Power & Light Company (Shearon Harris Nuclear Power Plant), LBP-01-09, 53 NRC __ (Mar. 1, 2001).

² Carolina Power & Light Company (Shearon Harris Nuclear Power Plant), CLI-01-11, 53 NRC __ (May 10, 2001).

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CP&L is the owner and holder of Facility Operating License No. NPF-63, issued by the NRC for the Shearon Harris Nuclear Power Plant, which is located in Wake and Chatham Counties, North Carolina. CP&L applied for a license amendment to support a modification to increase the Harris spent fuel storage capacity by adding rack modules to spent fuel pools 'C' and 'D' and placing these pools in service. The proceeding below pertains to this application and affects CP&L's ability to continue to generate electricity from its nuclear power plant fleet. Thus, CP&L has a substantial, direct and tangible interest in the ultimate resolution of this proceeding. It is submitted that CP&L is, therefore, entitled to intervene in this proceeding.

Counsel for CP&L has been authorized by counsel for Petitioner and counsel for Respondents to state that neither Petitioner nor Respondents oppose the granting of this motion.

Respectfully submitted,



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Dated: June 7, 2001

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**CAROLINA POWER & LIGHT COMPANY'S
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rules 15(c)(6) and 26.1, Carolina Power & Light Company ("CP&L") submits this Corporate Disclosure Statement. CP&L is an investor-owned public utility that provides electricity and services to its customers in the States of North and South Carolina. Progress Energy, Inc. (formerly named CP&L Energy, Inc.) is the parent company of CP&L. Progress Energy, a publicly-held company, owns 100 percent of CP&L's common stock. No publicly held company owns 10 percent or more of Progress Energy's stock.

Respectfully submitted,



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