

February 14, 2001

MEMORANDUM John F. Cordes, Director  
FOR: Office of Commission Appellate Adjudication  
FROM: Annette L. Vietti-Cook, Secretary /RA/  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:30 P.M., WEDNESDAY, FEBRUARY 14, 2001,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-01-0013 - Carolina Power & Light Company (Shearon Harris Nuclear Power Plant); Orange County's Petition for Review and Request for Immediate Suspension and Stay of the NRC Staff's "No Significant Hazards Consideration" Determination and Issuance of License Amendment for Shearon Harris Spent Fuel Pool Expansion**

The Commission<sup>(1)</sup> approved a Memorandum and Order responding to Orange County's petition for review and request for a stay related to the license amendment application filed by Carolina Power & Light Company (CP&L) to increase the spent fuel storage capacity at its Shearon Harris Nuclear Power Plant. The Memorandum and Order rejects Orange County's petition, but directs the staff to file a brief addressing certain matters identified in the Memorandum and Order. In addition, CP&L is directed to store no spent fuel under the license amendment pending further action by the Commission or a Licensing Board decision approving the amendment, whichever comes sooner.

(Subsequently, on February 14, 2001, the Secretary signed the Memorandum and Order.)

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
EDO  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance

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1. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Diaz was not present when this item was affirmed. Commissioner Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.