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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.<sup>1</sup> The Board's action was rendered final by a May 10, 2001, Commission decision denying BCOC's petition for review of LBP-01-09.<sup>2</sup> CP&L is an original party in the NRC proceeding below.

<sup>1</sup> Carolina Power & Light Company (Shearon Harris Nuclear Power Plant), LBP-01-09, 53 NRC \_\_\_\_ (Mar. 1, 2001).

<sup>2</sup> Carolina Power & Light Company (Shearon Harris Nuclear Power Plant), CLI-01-11, 53 NRC \_\_\_\_ (May 10, 2001).

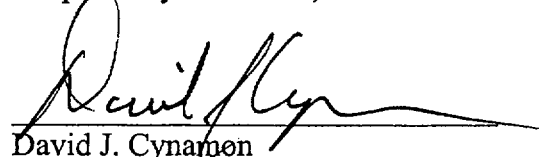
CP&L is the owner and holder of Facility Operating License No. NPF-63, issued by the NRC for the Shearon Harris Nuclear Power Plant, which is located in Wake and Chatham Counties, North Carolina. CP&L applied for a license amendment to support a modification to increase the Harris spent fuel storage 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.

Of Counsel:  
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Dated: June 7, 2001

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

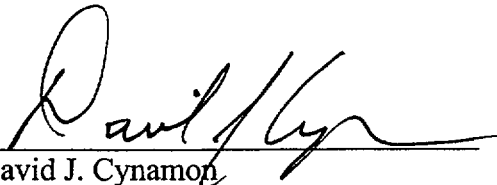
I hereby certify that true copies of the foregoing Unopposed Motion of Carolina Power & Light Company for Leave to Intervene and Carolina Power & Light Company's Corporate Disclosure Statement were served upon the following by United States mail, first class, postage prepaid, on this 7<sup>th</sup> day of June, 2001:

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