

SAFEGUARDS INFORMATION

October 28, 2004

Mr. Cornelius J. Gannon
Vice President
Progress Energy
Brunswick Steam Electric Plant,
Units 1 and 2
P. O. Box 10429
Southport, NC 28461

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2 - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSES IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT); AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NOS. MC2895 AND MC2896)

Dear Mr. Gannon:

By letter dated April 29, 2004, Progress Energy submitted a supplemental response in accordance with Order EA-03-086, the Order requiring compliance with the revised design basis threat, dated April 29, 2003, (DBT Order) for the Brunswick Steam Electric Plant. Section III.A of the DBT Order required licensees to revise physical security plans (PSPs), training and qualification plans (T&Q Plans), and safeguards contingency plans (SCPs) to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the Brunswick Steam Electric Plant PSP, SCP, and T&Q Plan submitted in your letter dated April 29, 2004, as supplemented on July 9, July 26, July 29, August 16, September 9, and September 30, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans in order to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

NOTICE: Enclosure 2 contains Safeguards Information. Upon separation from Enclosure 2, this letter and Enclosure 1 are DECONTROLLED.

SAFEGUARDS INFORMATION

The NRC staff has determined that subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements that, when effectively implemented, will provide the required high assurance that Brunswick Steam Electric Plant will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for Brunswick Steam Electric Plant. However, ultimately the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirement and meet the high assurance objective of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

Approved Alternatives to the Requirements of 10 CFR Part 73

SE Section	PSP Section	Alternative to 10 CFR	Description
3.6.2	6.2	73.55(c)(3)	Isolation Zones
3.9.4.3	9.4.3	73.55(d)(4)	Protected Area (PA) vehicle search requirements
3.9.4.4	9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of Vital Areas to PA status (devitalization)

Finally, consistent with the DBT Order, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, administrative license changes to FOL No. DPR-71 and DPR-62 are being made to incorporate the reference to the revised PSP, SCP, and T&Q Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I

Please replace the enclosed pages to your FOLs as indicated in Enclosure 1.

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

Enclosures: 1. Administrative Change to FOL Nos.DPR-71 and DPR-62
2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See mailing list 1

cc w/encls 1 and 2: Allen Brittain, Security Superintendent

Please replace the enclosed pages to your FOLs as indicated in Enclosure 1.

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

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2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See mailing list 1

cc w/encls 1 and 2: Allen Brittain, Security Superintendent

DISTRIBUTION (w/o Enclosure 2):

PUBLIC	SPRT R/F	OGC	ACRS	EDunnington	BMozaffari
MRoss-Lee	EHackett	GHill (4)	DLPM DPR	TBoyce	VMcCree, RII

Accession No.: ML043120015

*See Previous Concurrence

OFFICE	SPRT/TL	SPRT/PM	SPRT/LA	SPRT/PL	OGC	NSIR/ SC	NRR/SC
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DATE	10/21/04	10/21/04	10/23/04	10/23/04	10/21/04	10/28/04	10/28/04

OFFICIAL RECORD COPY

Brunswick Steam Electric Plant, Units 1 and 2
Carolina Power & Light Company

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Manager - Support Services
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Brunswick Steam Electric Plant, Units 1 and 2
Carolina Power & Light Company

Mr. Cornelius J. Gannon, Vice President
Brunswick Steam Electric Plant
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Post Office Box 10429
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PROGRESS ENERGY

DOCKET NO. 50-325

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. DPR-71

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the Order requiring compliance with revised design basis threat, (DBT Order) issued on April 29, 2003, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-71 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter 1.
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the FOL is changed as indicated in the Attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to FOL No. DPR-71

Date of Issuance: October 28, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. DPR-71

DOCKET NO. 50-325

Replace the following page of the Facility Operating License DPR-71 with the attached revised page as indicated. The revised page is identified by a revision date and contains marginal lines indicating the area of change.

Remove Page

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Insert Page

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- 2.C.(2)(a) Effective June 30, 1982, the surveillance requirements listed below need not be completed until July 15, 1982. Upon accomplishment of the surveillances, the provisions of Technical Specification 4.0.2 shall apply.

Specification 4.3.3.1, Table 4.3.3-1, Items 5.a and 5.b

- 2.C.(2)(b) Effective July 1, 1982, through July 8, 1982, Action statement "a" of Technical Specification 3.8.1.1 shall read as follows:

ACTION:

- a. With either one offsite circuit or one diesel generator of the above required A.C. electrical power sources inoperable, demonstrate the OPERABILITY of the remaining A.C. sources by performing Surveillance Requirements 4.8.1.1.1.a and 4.8.1.1.2.a.4 within two hours and at least once per 12 hours thereafter; restore at least two offsite circuits and four diesel generators to OPERABLE status within 7 days or be in at least HOT SHUTDOWN within the next 12 hours and in COLD SHUTDOWN within the following 24 hours.

2. C.(3) Deleted by Amendment No. 206

- 2.D. The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 10 CFR 73.21 is entitled: "Brunswick Steam Electric Plant Industrial Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" submitted by letter dated September 30, 2004. -

- 2.E. This license is subject to the following additional conditions for the protection of the environment:

- a. Deleted per Amendment 54, 3-11-83
- b. Deleted per Amendment 54, 3-11-83
- c. The licensee shall comply with the effluent limitations contained in National Pollutant Discharge Elimination System Permit No. NCO007064 issued pursuant to Section 402 of the Federal Water Pollution Control Act, as amended.

- 2.F. In accordance with the requirement imposed by the October 8, 1976, order of the United States Court Appeals for the District of Columbia Circuit in Natural Resources Defense Council v. Nuclear Regulatory Commission, No. 74-1385 and 74-1586, that the Nuclear Regulatory Commission "shall make any licenses granted between July 21, 1976 and such time when the mandate is issued subject to the outcome of the proceedings herein," the license issued herein shall be subject to the outcome of such proceedings.

- 2.G. Deleted by Amendment No. 206

- 2.H. This license is effective as of the date of issuance and shall expire at midnight on September 8, 2016.

PROGRESS ENERGY

DOCKET NO. 50-324

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 2

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. DPR-62

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the Order requiring compliance with revised design basis threat, (DBT Order) issued on April 29, 2003, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-62 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act (the Act) of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter 1.
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed, as indicated in the Attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to FOL No. DPR-62

Date of Issuance: October 28, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. DPR-62

DOCKET NO. 50-324

Replace the following page of the Facility Operating License DPR-62 with the attached revised page as indicated. The revised page is identified by a revision date and contains marginal lines indicating the area of change.

Remove Page

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Insert Page

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- 2.C.(3) Deleted by Amendment No. 236
- 2.C.(4) Equalizer Valve Restriction
The valves in the equalizer piping between the recirculation loops shall be closed at all times during reactor operation, except for one bypass valve which is left open to prevent pressure build-up due to ambient and conduction heating of the water between the equalizer valves.
- 2.C.(5) Deleted by Amendment No. 233
- 2.C.(6) The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 10 CFR 73.21 is entitled: "Brunswick Steam Electric Plant Industrial Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" submitted by letter dated September 30, 2004. -
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- 2.D. This license is subject to the following additional conditions for the protection of the environment:
- a. Deleted per Amendment 79, 3-11-83
 - b. Deleted per Amendment 79, 3-11-83
 - c. Deleted per Amendment 79, 3-11-83
 - d. The licensee shall comply with the effluent limitations contained in National Pollutant Discharge Elimination System Permit No. NC0007064 issued pursuant to Section 402 of the Federal Water Pollution Control Act, as amended.
- 2.E. This license is effective as of the date of issuance and shall expire at midnight on December 27, 2014.
- 2.F. Deleted per Amendment No. 98 dated 5-25-84
- 2.G. Deleted per Amendment No. 98 dated 5-25-84
- 2.H. Deleted by Amendment No. 236.