

SAFEGUARDS INFORMATION

October 28, 2004

Mr. James Scarola
Vice President
c/o Mr. Denny Braund
Carolina Power and Light Company
Shearon Harris Nuclear Power Plant, Unit 1
P. O. Box 165
New Hill, NC 27562

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSE IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT; AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, SAFEGUARDS CONTINGENCY PLAN (TAC NO. MC2925)

Dear Mr. Scarola:

By letter dated April 29, 2004, Carolina Power and Light Company 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 Shearon Harris Nuclear Power Plant, Unit 1. 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 Shearon Harris Nuclear Power Plant, Unit 1 PSP, SCP, T&Q Plan submitted in your letter dated April 29, 2004, as supplemented on July 9, July 22, August 16, September 09, September 30, and October 19, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans in order to provide the 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 Shearon Harris Nuclear Power Plant, Unit 1 will be protected against the revised DBT. The NRC staff, therefore approves the PSP, SCP, and T&Q Plan for Shearon Harris Nuclear Power Plant, Unit 1. 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, an administrative license change to FOL No. NPF-63 is 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.

J. Scarola

- 3 -

Please replace the enclosed page to your FOL 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, Section Chief,
Security Plan Review Team,
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosures: 1. Administrative Change to FOL No. NPF-63
2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See mailing list 1
cc w/encls 1 and 2: Denny Braund

J. Scarola

- 3 -

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CAROLINA POWER AND LIGHT COMPANY

DOCKET NO. 50-400

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-63

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. NPF-63 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 I;
 - 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, Section Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 28, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. NPF-63

DOCKET NO. 50-400

Replace the following page of the Facility Operating License NPF-63 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

6

Insert Page

6

D. Exemptions

The facility requires an exemption from Appendix E, Section IV.F.1, which requires that a full participation exercise be conducted within one year before the issuance of a license for full power operation. This exemption is authorized by law and will not endanger life or property or the common defense and security, and certain special circumstances are present. This exemption is, therefore, hereby granted pursuant to 10 CFR 50.12 as follows:

Shearon Harris Nuclear Power Plant, Unit 1, is exempt from the requirement of 10 CFR Part 50, Appendix E, Section IV.F.1 for the conduct of an offsite full participation exercise within one year before the issuance of the first operating license for full power and prior to operation above 5 percent of rated power, provided that a full participation exercise is conducted before or during March 1987.

The facility is granted an exemption from Paragraph III.D.2(b)(ii) of Appendix J to 10 CFR Part 50 (see SER Section 6.2.6). This exemption is authorized by law and will not endanger life or property or the common defense and security, and certain special circumstances are present. In addition, the facility was previously granted an exemption from the criticality alarm requirements of paragraph 70.24 of 10 CFR Part 70 insofar as this section applies to this license. (See License Number SNM-1939 dated October 28, 1985, which granted this exemption).

- E. 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 Seach Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and 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 73.21, is entitled: "Shearon Harris Nuclear Plant Security Plan, Security Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0" submitted by letter dated October 19, 2004.

F. Fire Protection Program (Section 9.5.1)

Carolina Power & Light Company shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility as amended and as approved in the Safety Evaluation Report (SER) dated November 1983 (and Supplements 1 through 4), and the Safety Evaluation dated January 12, 1987, subject to the following provision below.

Revised by letter dated October 28, 2004