



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 30, 2009

Chris L Burton, Vice President  
Shearon Harris Nuclear Power Plant  
Carolina Power & Light Company  
Post Office Box 165, Mail Zone 1  
New Hill, North Carolina 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 – ACCEPTANCE REVIEW REGARDING AMENDMENT TO ADOPT NATIONAL FIRE PROTECTION ASSOCIATION 805, “PERFORMANCE-BASED STANDARD FOR FIRE PROTECTION FOR LIGHT WATER REACTOR GENERATING PLANTS,” 2001 EDITION (TAC NO. MD8807)

Dear Mr. Burton:

By letter dated May 29, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081560639), Carolina Power & Light Company (the licensee), now doing business as Progress Energy Carolinas, Inc. (PEC), submitted a proposed amendment for the Shearon Harris Nuclear Power Plant, Unit 1 (HNP). The proposed changes would enable HNP to adopt a new fire protection licensing basis that complies with the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 50.48 (a) and (c).

Consistent with 10 CFR 50.90, an amendment to the license (including the technical specifications) must fully describe the changes requested, and follow, as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

The purpose of this letter is to provide the final results of the U.S. Nuclear Regulatory Commission (NRC) staff’s acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed change. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The Fire Protection Branch and Probabilistic Risk Assessment Licensing Branch performed an acceptance review of the license amendment request (LAR) in accordance with Revision 0 of the Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-109, “Acceptance Review Procedures” (ADAMS Accession No. ML081200811). The results of the acceptance review were transmitted to PEC in a letter on September 26, 2008 (ADAMS Accession No. ML082701158). In this letter the NRC staff informed the licensee that further information was necessary to enable the staff to make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment.

Specifically, the NRC's staff review identified eight technical acceptance issues involving missing or incomplete information that present significant challenges to commencing and completing a comprehensive review of the LAR on an acceptable schedule. Three additional important clarifications were also identified in the staff review that had to be corrected.

The LAR requesting that HNP adopt a risk-informed, performance-based fire protection program in accordance with National Fire Protection Association Standard 805 for HNP was supplemented on November 14, 2008 (ADAMS Accession No. ML083240593), and December 11, 2008 (ADAMS Accession No. ML083510191), to address the issues identified in the staff acceptance review. The PEC supplemental submittals state that the eight technical acceptance issues and the three additional important clarifications identified by the staff have been addressed. The staff reviewed the supplemental information and found that the information provided is responsive to the identified issues.

The NRC staff has reviewed the HNP application as supplemented, and concluded that it provides technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its technical review, you will be advised by separate correspondence. Should you have any questions regarding this review, please contact me at (301) 415-3178.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marlayna Vaaler', written in a cursive style.

Marlayna Vaaler, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-400

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C. Burton

- 2 -

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*/RA/*

Marlayna Vaaler, Project Manager  
Plant Licensing Branch II-2  
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