



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

December 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 REQUEST FOR EXEMPTION FROM THE  
REQUIREMENTS OF 10 CFR PART 73, SECTION 73.55 (TAC NO. ME2827)

Dear Mr. Burton:

By letter dated November 30, 2009, as supplemented by letter dated December 16, 2009, Carolina Power & Light Company (the licensee), now doing business as Progress Energy Carolinas, Inc., submitted an exemption request for the Shearon Harris Nuclear Power Plant, Unit 1 (HNP). The proposed exemption would allow an extension of the rule implementation deadline from March 31, 2010, until July 30, 2010, and December 15, 2010, for the completion of certain measures required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, as revised on March 27, 2009.

The application requests an exemption from the March 31, 2010, compliance date stating that HNP must complete a number of significant physical modifications to the current site security configuration before all requirements can be met. Specifically, the request is for one requirement that would be in place by July 30, 2010, and two requirements that would be in place by December 15, 2010, in lieu of the March 31, 2010, deadline. The application describes a comprehensive plan to install additional intrusion detection equipment, relocate certain security assets, and upgrade the uninterruptible power supplies at the HNP site, as well as providing a timeline for achieving full compliance with the new regulation.

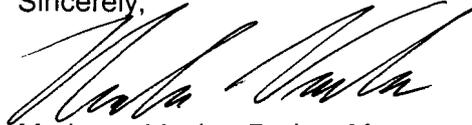
Pursuant to 10 CFR 73.55(a)(1): "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the requirements of this section through its [Nuclear Regulatory] Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" Pursuant to 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

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.

- 2 -

The NRC staff has reviewed your application and concluded that it does provide 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 exemption 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

cc: Distribution via ListServ

The NRC staff has reviewed your application and concluded that it does provide 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 exemption 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,

*/ra/*

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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