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 50-324 Brunswick Steam Electric Plant, Unit 2, Carolina Powe 05000324
 50-325 Brunswick Steam Electric Plant, Unit 1, Carolina Powe 05000325
 50-400 Shearon Harris Nuclear Power Plant, Unit 1, Carolina 05000400

AUTH.NAME AUTHOR AFFILIATION
 VAUGHN,G.E. Carolina Power & Light Co.
 RECIP.NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Requests assistance in pursuing alternative means of compliance w/18USC925(d)(3) re importation of fire arms. Selection of alternate weapon would require requalification of all guards/armed responders at facilities.

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NOTES:Application for permit renewal filed. 05000400

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Carolina Power & Light Company

P.O. Box 1551 • Raleigh, N.C. 27602

APR 17 1991

SERIAL: NLS-91-092

G. E. VAUGHN
Vice President
Nuclear Services Department

United States Nuclear Regulatory Commission
ATTENTION: Document Control Desk
Washington, DC 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
DOCKET NO. 50-261/LICENSE NO. DPR-23

SHEARON HARRIS NUCLEAR POWER PLANT
DOCKET NO. 50-400/LICENSE NO. NPF-63

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 AND 50-324/LICENSE NOS. DPR-71 AND DPR-62

EXEMPTION UNDER 18 U.S.C. 925(d)(3) PERTAINING TO THE IMPORTATION OF FIREARMS

Gentlemen:

Carolina Power & Light Company (CP&L) recently received a copy of a letter from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF) to Heckler & Koch, Inc., a supplier of firearms to CP&L's nuclear power plants. A copy of that letter is enclosed for your information. The letter states, in essence, that CP&L cannot purchase the Heckler & Koch GMBH model HK93A2 rifle per the provisions of 18 U.S.C. 925(d)(3) and is not eligible for the exemptions permitted by that statute. The purpose of this letter is to request your assistance in pursuing any alternative means of compliance with this statute as interpreted by ATF.

The weapon in question has been used at CP&L's nuclear plants to provide the protection required by 10CFR73 for a number of years and has proven to be an excellent rifle. The inability to obtain replacements will require that we select an alternate weapon permitted under the existing law and therefore requalify all guards/armed responders at our plants. The cost associated with such a change would be significant and, we believe, unnecessary. As federal regulation requires the physical protection of commercial nuclear power plants, it is our belief that some alternative means of compliance with 18 U.S.C. 925(d)(3) that would avoid changing weapons and requalifying our personnel is both reasonable and appropriate. Therefore, CP&L requests the NRC's assistance in addressing this issue.

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PDR ADDCK 05000261
F PDR

Handwritten: A001 Add: NRR/DRIS/RSCB
11/1

If you have any questions concerning this information, please contact Mr. L. S. Rowell at (919) 546-2770.

Yours very truly,



G. E. Vaughn

LSR/jbw (1061GLU)

Enclosure

cc: Mr. R. A. Becker
Mr. S. D. Ebnetter
Mr. L. Garner (NRC-HBR)
Mr. N. B. Le
Mr. R. Lo
Mr. R. L. Prevatte (NRC-BSEP)
Mr. J. E. Tedrow (NRC-SHNPP)



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

Telefax 236
Pg 2 of 3

JAN 28 1991

C:P:I:AVA
5330/Heckler
Ref:90-17569

Heckler & Koch, Inc.
21480 Pacific Boulevard
Sterling, VA 22170-8903

Gentlemen:

We are not approving the importation of the Heckler & Koch, GMBH model HK 93A2 rifle for sale to the Burns International Security Services, Fayetteville, North Carolina.

The rifle is classified as an assault type rifle and as such is not generally recognized as particularly suitable for or readily adaptable to sporting purposes. Such firearms are denied importation under the provisions of 18 U.S.C. 925(d)(3).

There is an exemption under 18 U.S.C. 925(a)(1) whereby the firearms can be imported for the official use of governmental entities.

Research of the Codes of South Carolina and North Carolina failed to make reference to the Carolina Power & Light Company's nuclear power generating facilities. Therefore, we conclude that the three nuclear power generating facilities operated by the Carolina Power & Light Company are commercial nuclear power facilities which are not agencies of the States of North Carolina or South Carolina or any subdivision thereof. Accordingly, the importation of the nonsporting firearm for sale to the Burns International Security Services (BISS) for the official use of the power facilities, is not authorized under 18 U.S.C. 925(a)(1).

We regret that our reply could not be more favorable. If you should have any questions, please contact us.

Sincerely yours,

A. Virginia Alford
for Carmen L. Alston
Chief, Firearms and Explosives Imports Branch

Enclosure

(202) 535-6104