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 AUTH. NAME: AUTHOR AFFILIATION
 UTLEY, E. E. Carolina Power & Light Co.
 RECIP. NAME: RECIPIENT AFFILIATION
 DAVIS, J. G. Office of Nuclear Material Safety & Safeguards, Director

SUBJECT: Forwards Section 1.3 of SNM license application, Section
 Withheld (ref. 10CFR2.790(d)(1) & 10CFR9.5(a)(4)).

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THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7070
TEL: 773/936-5000 FAX: 773/936-5001
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TEL: 773/936-5000 FAX: 773/936-5001
WWW.CHEM.UCHICAGO.EDU

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NAME	ADDRESS	CITY	STATE	ZIP	PHONE	FAX	EMAIL
JOHN DOE	1234 MAIN ST	CHICAGO	IL	60601	773-123-4567	773-123-4568	john.doe@uchicago.edu
JANE SMITH	5678 PINE AVE	CHICAGO	IL	60602	773-567-8901	773-567-8902	jane.smith@uchicago.edu
BOB JONES	9010 OAK BLVD	CHICAGO	IL	60603	773-901-2345	773-901-2346	bob.jones@uchicago.edu
ALICE BROWN	2345 MAPLE DR	CHICAGO	IL	60604	773-234-5678	773-234-5679	alice.brown@uchicago.edu
CHARLIE GREEN	6789 BIRCH LN	CHICAGO	IL	60605	773-678-9012	773-678-9013	charlie.green@uchicago.edu
DAVID WHITE	10110 CEDAR ST	CHICAGO	IL	60606	773-101-2345	773-101-2346	david.white@uchicago.edu
EVE BLACK	4321 SPRUCE AVE	CHICAGO	IL	60607	773-432-3456	773-432-3457	eve.black@uchicago.edu
FRANK GRAY	8765 WALNUT BLVD	CHICAGO	IL	60608	773-876-5678	773-876-5679	frank.gray@uchicago.edu
GRACE HARRIS	3210 HICKORY DR	CHICAGO	IL	60609	773-321-4567	773-321-4568	grace.harris@uchicago.edu
HELEN KIM	7654 SAGE LN	CHICAGO	IL	60610	773-765-8901	773-765-8902	helen.kim@uchicago.edu
IRVING LEE	11987 ASH ST	CHICAGO	IL	60611	773-119-2345	773-119-2346	irving.lee@uchicago.edu
JACK MORGAN	5432 JUNO AVE	CHICAGO	IL	60612	773-543-6789	773-543-6790	jack.morgan@uchicago.edu
JILL NELSON	9876 LARCH BLVD	CHICAGO	IL	60613	773-987-0123	773-987-0124	jill.nelson@uchicago.edu
JOHN O'BRIEN	2109 PINE DR	CHICAGO	IL	60614	773-210-4567	773-210-4568	john.obrien@uchicago.edu
JANE PETERSON	6543 REDWOOD LN	CHICAGO	IL	60615	773-654-8901	773-654-8902	jane.peterson@uchicago.edu
JOHN ROBERTS	10987 SAGE ST	CHICAGO	IL	60616	773-109-2345	773-109-2346	john.roberts@uchicago.edu
JANE SCHMIDT	4321 TULIP AVE	CHICAGO	IL	60617	773-432-6789	773-432-6790	jane.schmidt@uchicago.edu
JOHN TAYLOR	8765 VIOLET BLVD	CHICAGO	IL	60618	773-876-0123	773-876-0124	john.taylor@uchicago.edu
JANE WALKER	3210 WILLOW DR	CHICAGO	IL	60619	773-321-4567	773-321-4568	jane.walker@uchicago.edu
JOHN YOUNG	7654 YACHT LN	CHICAGO	IL	60620	773-765-8901	773-765-8902	john.young@uchicago.edu

CP&L

Carolina Power & Light Company

P. O. Box 1551 • Raleigh, N. C. 27602

SERIAL: NLS-84-039

APR 12 1984

E. E. UTLEY
Executive Vice President
Power Supply and Engineering & Construction

Mr. John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555

SHEARON HARRIS NUCLEAR POWER PLANT
UNIT NO. 1 - DOCKET NO. 50-400
SPECIAL NUCLEAR MATERIALS LICENSE APPLICATION

Dear Mr. Davis:

Carolina Power & Light Company (CP&L) hereby submits Section 1.3 of the Shearon Harris Nuclear Power Plant Special Nuclear Material License application. Eight (8) copies of the application material, as required by Regulatory Guide 3.15, are enclosed for your review and approval.

The major portion of the Special Nuclear Materials License application is being transmitted by a separate letter. Pursuant to 10 CFR 2.790, CP&L hereby requests that Section 1.3 of the Special Nuclear Materials License application for the Shearon Harris Nuclear Power Plant be withheld from public disclosure on the ground that this section contains information referred to in §2.790(d)(1) and §9.5(a)(4), i. e., commercial information which concerns the physical protection of the Shearon Harris Nuclear Power Plant and Special Nuclear Material which is not designated as Safeguards Information. Attached hereto is an affidavit which more fully sets forth the reasons why the information should be withheld from public disclosure. Carolina Power & Light Company requests that this affidavit also be withheld from public disclosure along with Section 1.3 of the application.

Please contact my staff if you have any questions.

Yours very truly,


E. E. Utley

GAS/pgp (9372FXT)
Enclosures

cc: Mr. B. C. Buckley (NRC)*
Mr. G. F. Maxwell (NRC-SHNP)*
Mr. J. P. O'Reilly (NRC-RIT)*
Mr. Travis Payne (KUDZU)*
Mr. Daniel F. Read (CHANGE/ELP)*
Mr. Wells Eddleman*
Dr. Phyllis Lotchin*

Mr. R. G. Page (NRC)
Chapel Hill Public Library*
Wake County Public Library*
Mr. John D. Runkle*
Dr. Richard D. Wilson*
Mr. G. O. Bright (ASLB)*
Dr. J. H. Carpenter (ASLB)*
Mr. J. C. Kelly (ASLB)*

* w/o attachments

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AFFIDAVIT

County of Wake)

State of North Carolina)

AFFIDAVIT OF E. E. UTLEY

Before me, the undersigned authority, personally appeared E. E. Utley, Executive Vice President, Power Supply and Engineering & Construction, who, being duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Carolina Power & Light Company and that the averments of facts set forth in this Affidavit are true and correct to the best of his knowledge, information and belief, and that the sources of his information are officers, employees, agents, and contractors of Carolina Power & Light Company.

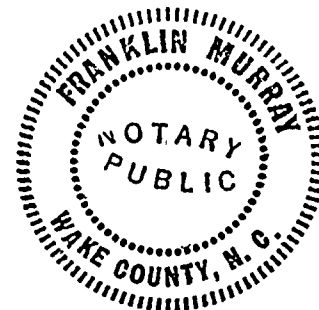


E. E. Utley
Executive Vice President
Power Supply and Engineering & Construction

Sworn to and subscribed before
me this 12th day of April 1984.


Notary Public

My commission expires: OCT 04 1986



UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES

**EXEMPT FROM DISCLOSURE
UNDER 10CFR2.790**

- (1) I am Executive Vice President, Power Supply and Engineering & Construction and am authorized by Carolina Power & Light Company (CP&L) to review the information sought to be withheld and to apply for its withholding.
- (2) I am making this Affidavit in accordance with the requirements of 10CFR2.790.
- (3) The information sought to be withheld is contained in Section 1.3 of the Shearon Harris Nuclear Power Plant Special Nuclear Material License application which is being transmitted herewith. The special nuclear material License application contains privileged commercial information relating to the physical protection of the Shearon Harris Nuclear Power Plant and Special Nuclear Material entitled to protection from disclosure under 10 CFR 2.790(d)(1) and 9.12. Pursuant to Sections 2.790(b)(1)(ii), (b)(4) and (d)(1), I aver that:
 - (a) This information is held in confidence by CP&L.
 - (b) This information consists of information concerning the physical protection, material control and accounting program for Special Nuclear Material not otherwise designated as Safeguards Information. It is CP&L's belief that the facts set forth in subparagraph (e) below provide a rational basis for holding this information in confidence.
 - (c) Carolina Power & Light Company is transmitting this information to the NRC in confidence.
 - (d) This information is not available from public sources in the form in which it is being transmitted.
 - (e) Withholding of this information from public disclosure is warranted due to the sensitive nature of the material. Section 1.3 of the Special Nuclear Material License application contains detailed security measures including a description of the barriers, the physical location of the Special Nuclear Material, details of the response capability as well as those specific measures to be taken to exercise security surveillance over the Special Nuclear Material.

Further, the Affiant sayeth not.



E. E. Utley
Executive Vice President
Power Supply and Engineering & Construction

UNDER 100K3.100
EXC FROM DISCLOSURE

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