



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

August 26, 2015

Mr. Joseph Frisco, Jr.
Vice President of Nuclear Engineering
Duke Energy Corporation
Mail Code EC07H
P.O. Box 1006
Charlotte, NC 28201-1006

SUBJECT: REQUEST FOR WITHHOLDING OF PROPRIETARY INFORMATION FROM
PUBLIC DISCLOSURE FOR SHEARON HARRIS NUCLEAR POWER PLANT,
UNIT 1, AND H. B. ROBINSON STEAM ELECTRIC PLANT UNIT NO. 2
(TAC NOS. MF5872 AND MF5873)

Dear Mr. Frisco:

By letter dated March 5, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15075A211), Duke Energy Progress, Inc. (Duke Energy) submitted three affidavits in Attachments 1 and 2 to its letter as follows:

- Duke Energy affidavit dated March 5, 2015, executed by Joseph Frisco, Jr.
- Two AREVA Inc. (AREVA) affidavits dated December 17, 2014, executed by Gayle Elliott

Duke Energy requested that the information contained in Attachments 6 and 7 to its letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. Specifically, Duke Energy requested that the following documents be withheld:

DPC-NE-2005-P, Appendix H, Robinson Plant Specific Data (Proprietary)

DPC-NE-2005-P, Appendix I, Harris Plant Specific Data (Proprietary)

Non-proprietary copies of the documents (Attachments 8 and 9 to Duke Energy's letter) have been placed in the NRC Public Document Room and added to the NRC Library under ADAMS Accession No. ML15075A221.

The Duke Energy affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(i) The information sought to be withheld from public disclosure is owned by Duke Energy and has been held in confidence by Duke Energy and its consultants.
- (4)(ii) The information is of a type that would customarily be held in confidence by Duke Energy. The information consists of analysis methodology

details, analysis results, supporting data, and aspects of development programs, relative to a method of analysis that provides a competitive advantage to Duke Energy.

- (4)(iii) The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
- (4)(iv) The information sought to be protected is not available in public to the best of our knowledge and belief.
- (4)(vi)(b) The subject information could only be duplicated by competitors at similar expense to that incurred by Duke Energy.
- (5) Public disclosure of this information is likely to cause harm to Duke Energy because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing Duke Energy to recoup a portion of its expenditures or benefit from the sale of the information

The AREVA affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (6)(c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA.
- (6)(d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability.
- (6)(e) The information is vital to a competitive advantage held by AREVA, would be helpful to competitors to AREVA, and would likely cause substantial harm to the competitive position of AREVA.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-2760 or Martha.Barillas@nrc.gov.

Sincerely,

/RA/

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

Docket Nos. 50-261 and 50-400

cc: Mr. Benjamin C. Waldrep
Site Vice President
Shearon Harris Nuclear Power Plant
5413 Shearon Harris Rd.
New Hill, NC 27562-0165

Mr. Richard Michael Glover
Site Vice President
H. B. Robinson Steam Electric Plant
3581 West Entrance Road
Hartsville, SC 29550

Ms. Gayle Elliott
Manager, Product Licensing
AREVA NP, Inc.
3315 Old Forest Road
Lynchburg, VA 24501

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Sincerely,

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Martha Barillas, Project Manager
Plant Licensing Branch II-2
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OFFICE	DORL/LPL4-1/PM	DORL/LPL2-2/PM	DORL/LPL2-2/LA
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DATE	8/11/15	8/7/15	8/10/15
OFFICE	DSS/SNPB/BC	DORL/LPL2-2/BC	DORL/LPL2-2/PM
NAME	JDean	SHelton	MBarillas
DATE	8/11/15	8/23/15	8/26/15

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