

May 11, 2016

Mr. Christopher M. Fallon, Vice President  
Nuclear Development  
Duke Energy  
EC12L / 526 South Church Street  
Charlotte, NC 28202

Mr. J. A. Gresham, Manager  
Regulatory Compliance  
Westinghouse Electric Company, Building 3  
Suite 310  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM  
PUBLIC DISCLOSURE IN RESPONSE TO TRANSMITTALS FOR THE LEVY  
NUCLEAR PLANT UNITS 1 AND 2 COMBINED LICENSE APPLICATION

Dear Messrs. Fallon and Gresham:

By letters to the U.S. Nuclear Regulatory Commission (NRC) included in the list below, Duke Energy Florida, LLC. (DEF) submitted affidavits, executed by Paul A. Russ, Director, U.S. Licensing and Regulatory Support, Westinghouse Electric Company (Westinghouse), which requested that the information included within the letters, or as an enclosure to the letters, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

LETTER DATE	SUBJECT	ACCESSION NUMBER	AFFIDAVIT
January 14, 2016	Supplemental Response to NRC Request for Additional Information (RAI) Letter 124 – Standard Review Plan (SRP) Section 6.3 to Address Containment Condensate Return Cooling Design (NPD-NRC-2016-002)	ML16020A105	CAW-16-4359
January 15, 2016	Supplemental 2 Response to NRC RAI Letter 116 – SRP Sections 6.3 and 15.2.6 (NPD-NRC-2016-006)	ML16021A188	CAW-16-4359
January 26, 2016	Second Supplemental Response to NRC RAI Letter 124 – SRP Section 6.3 to Address Containment Condensate Return Cooling Design (NPD-NRC-2016-008)	ML16028A118	CAW-16-4329
February 1, 2016	Voluntary Supplemental Response to RAI Letter 130 Related to SRP Section 12.03-12.04, Radiation Protection Design Features Questions 12.03-2, 12.03-6, and 12.03-9, for the Levy Nuclear Plant (LNP), Units 1 and 2, Combined License Application (NPD-NRC-2016-007)	ML16034A331	CAW-16-4328
February 9, 2016	Revised Voluntary Supplemental Response to RAI Letter 130 Related to SRP Section 12.03-12.04, Radiation Protection Design Features Questions 12.03-2, 12.03-6, and 12.03-9, for the LNP, Units 1 and 2, Combined License Application (NPD-NRC-2016-010)	ML16042A081	CAW-16-4353

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

- (a) The information sought to be withheld from public disclosure is owned by Westinghouse and has been held in confidence by Westinghouse;
- (b) The information sought to be protected is not available to the public to the best of your knowledge and belief; and
- (c) The information is of the type that would customarily be held in confidence by Westinghouse. Public disclosure of this information is likely to cause harm to DEF because it would allow contractors, vendors, and competitors to understand the competitive position of Westinghouse.

The NRC staff 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 affidavit, 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 documents. If the need arises, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff 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 staff. You also should understand that the NRC staff may have cause to review

C. Fallon  
J. A. Gresham

- 3 -

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 staff 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 301-415-1035.

Sincerely,

**/RA/**

Donald Habib, Project Manager  
Licensing Branch 4  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-029  
52-030

cc: See next page

C. Fallon  
J. A. Gresham

- 3 -

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 staff 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 301-415-1035.

Sincerely,

**/RA/**

Donald Habib, Project Manager  
Licensing Branch 4  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-029  
52-030

cc: See next page

**DISTRIBUTION:**

PUBLIC  
NRO\_DNRL\_LB4 Distribution  
RidsOgcMailCenter

JMcKirgan  
DHabib  
RButler

ADAMS ACCESSION NO.: ML16118A267

NRO-002

OFFICE	LA:DNRL/LB4	PM:DNRL/LB4	BC(A):DNRL/LB4	PM:DNRL/LB4
NAME	RButler	DHabib (c)	JMcKirgan	DHabib (s)
DATE	4/29/16	5/4/16	5/4/16	5/4/16-5/11/16

**OFFICIAL RECORD COPY**

COL - Duke Energy - Levy County Mailing List  
cc:

Revised (08/24/2015)

Mr. Christopher M. Fallon  
VP, Nuclear Development  
Progress Energy Florida, Inc.  
P.O. Box 1006 - ECO9D  
Charlotte, NC 28202

## COL - Duke Energy - Levy County Mailing List

### Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
Bill.Jacobs@gdsassociates.com (Bill Jacobs)  
billn@fcan.org (Bill Newton)  
brian.mccabe@pgnmail.com (Brian McCabe)  
christopher.fallon@duke-energy.com (Christopher M. Fallon)  
collinlj@westinghouse.com (Leslie Collins)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
david.lewis@pillsburylaw.com (David Lewis)  
david.waters@pgnmail.com (Dave Waters)  
delongra@westinghouse.com (Rich DeLong)  
ed.burns@earthlink.net (Ed Burns)  
eddie.grant@excelservices.com (Eddie Grant)  
gary@jonespartners.net (Gary Jones)  
gsoult@regstaff.sc.gov (Gene G. Soult)  
joe.w.donahue@pgnmail.com (Joe Donahue)  
john.elnitsky@pgnmail.com (John Elnitsky)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
levynuke@ecologyparty.org (Cara Campbell)  
majames@regstaff.sc.gov (Anthony James)  
marvlewis@juno.com (M. Lewis)  
maryo@nirs.org (Mary Olson)  
media@nei.org (Scott Peterson)  
Mike.Halpin@dep.state.fl.us (Mike Halpin)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
RJB@NEI.org (Russell Bell)  
robert.kitchen@pgnmail.com (Robert H. Kitchen)  
ronald\_m\_bright@bellsouth.net (Ronald Bright)  
russpa@westinghouse.com (Paul Russ)  
sabinski@suddenlink.net (Steve A. Bennett)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
stephan.moen@ge.com (Stephan Moen)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
twinkletoesdms@aol.com (Robert and Deborah Smith)

COL - Duke Energy - Levy County Mailing List

Vanessa.quinn@dhs.gov (Vanessa Quinn)  
weave1dw@westinghouse.com (Doug Weaver)