

May 23, 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 Mr. Fallon and Mr. 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 Number and Date	Subject	Accession Number	Affidavit
NPD-NRC-2015-015 May 5, 2015	Response to NRC RAI Letter 124 – SRP Section 6.3, and Supplement 6 to Submittal of Exemption Request and Design Change Description for Departure from AP1000 DCD Revision 19 to Address Containment Condensate Return Cooling Design	ML15128A604	CAW-15-4132
NPD-NRC-2015-018 May 11, 2015	Submittal of May 14, 2015, Presentation Materials to Address AP1000 IRWST Condensate Return RAI Letter 124 Response and Request for Withholding Information from Public Disclosure	ML15133A159	CAW-15-4135
NPD-NRC-2015-028 July 1, 2015	Transmittal of Supplemental Information for Request for Additional Information Letter No. 122 Related to SRP Sections 6.4, Control Room Habitability Systems, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15187A039	CAW-15-4185

Letter Number and Date	Subject	Accession Number	Affidavit
NPD-NRC-2015-029 July 14, 2015	Submittal of Revised Documents Addressing Containment Condensate Return Cooling Design	ML15197A244	CAW-15-4240
NPD-NRC-2015-025 July 16, 2015	Response to Request for Additional Information Letter No. 127 Related to SRP Section 7.3, Engineered Safety System Features for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15201A542	CAW-15-4242
NPD-NRC-2015-024 July 17, 2015	Response to Request for Additional Information Letter No. 126 Related to SRP Sections 6.4, Control Room Habitability System, and 16, Technical Specifications, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15201A540	CAW-15-4242
NPD-NRC-2015-037 August 5, 2015	Response to Request for Additional Information Letter No. 128 Related to SRP Sections 6.4, Control Room Habitability System for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15219A202	CAW-15-4133
NPD-NRC-2015-040 September 18, 2015	Submittal of September 23, 2015, Presentation Materials to Address AP1000® Safe Shutdown Analysis and Request for Withholding Information from Public Disclosure	ML15265A562	CAW-15-4266
NPD-NRC-2015-047 October 13, 2015	Revised Response to Request for Additional Information Letter No. 129 Related to Standard Review Plan Section 6.4, Control Room Habitability System, and Section 15.00.03, Design Basis Accidents, Radiological Consequence Analyses for Advanced Light Water Reactors for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15289A228	CAW-15-4281
NPD-NRC-2015-042 November 2, 2015	Response to Request for Additional Information Letter No. 131 Related to Standard Review Plan Section 12.03-12.04, Radiation Protection Design Features for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15308A383	CAW-15-4283
NPD-NRC-2015-049 November 12, 2015	Revised Response to Request for Additional Information Letter No. 122 and Letter No. 126 Related to SRP Sections 6.4, Control Room Habitability System, and 16, Technical Specifications, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15322A009	CAW-15-4185

Letter Number and Date	Subject	Accession Number	Affidavit
NPD-NRC-2015-050 November 12, 2015	Response to Request for Additional Information Letter No. 133 Related to SRP Section 7.1, Instrumentation and Controls, Introduction, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15320A025	CAW-15-4285
NPD-NRC-2015-052 December 11, 2015	Updated Response to Request for Additional Information Letter No. 122 and Letter No. 126 Related to SRP Sections 6.4, Control Room Habitability System, and 16, Technical Specifications for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15349A952	CAW-15-4324
NPD-NRC-2015-057 December 22, 2015	Revised Response to Request for Additional Information Letter No. 132 Related to Standard Review Plan Section 9.4.1, Control Room Area Ventilation System, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application	ML15358A014	CAW-15-4325
NPD-NRC-2015-055 December 23, 2015	Response to Request for Additional Information Letter No. 135 Related to IEEE 603 and Source Range Nuclear Instrumentation on Flux Doubling	ML15363A112	CAW-15-4327

The affidavits state 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 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 and 52-030

cc: See next page

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 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.

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Docket Nos. 52-029 and 52-030

cc: See next page

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NAME	RButler (MBrown for)	DHabib (c)	JMcKirgan (Acting)	DHabib (s)
DATE	05/18/2016	05/20/2016	05/23/2016	05/23/2016

OFFICIAL RECORD COPY

COL - Duke Energy - Levy County Mailing List
cc:

Revised (08/24/2015)

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COL - Duke Energy - Levy County Mailing List

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