



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

August 26, 2020

Ms. Kim Maza
Site Vice President
Shearon Harris Nuclear Power Plant
Mail Code NHP01
5413 Shearon Harris Road
New Hill, NC 27562-9300

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 – REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID NO. L-2020-LLA-0040)

Dear Ms. Maza:

By letter dated March 6, 2020 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML20066L108), Duke Energy Carolinas, LLC (the licensee) submitted affidavits dated July 30, 2019, executed by Gayle Elliott, Deputy Director, Licensing and Regulatory Affairs, Framatome, Inc. (Framatome), requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390 for Shearon Harris Nuclear Power Plant, Unit 1:

Licensing Report ANP-3767P, Revision 0, entitled "Harris Nuclear Plant Unit 1 Realistic Large Break LOCA Analysis with GAIA Fuel Design," dated July 2019

Licensing Report ANP-3766P, Revision 0, entitled "Harris Nuclear Plant Unit 1 Small Break LOCA Analysis with GAIA Fuel Design." dated July 2019

The Framatome affidavits dated July 30, 2019, stated in Enclosure 3 of letter dated March 6, 2020, that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.
5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by Framatome to determine whether information should be classified as proprietary:
- (a) The information reveals details of Framatome's research and development plans and programs or their results.
 - (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
 - (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 Framatome.
 - (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.
 - (e) The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome.

The information in this Document [Licensing Report ANP-3767P, Revision 0, entitled "Harris Nuclear Plant Unit 1 Realistic Large Break LOCA Analysis with GAIA Fuel Design," dated July 2019] is considered proprietary for the reasons set forth in paragraphs 6(d) and 6(e) above.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the submittal in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavit, has 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 may send copies of this information to its consultants. The NRC will ensure that its 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, the licensee should promptly notify the NRC. The NRC may revisit this determination in the future if, for example, the scope of a Freedom of Information Act request includes this information. The NRC will notify the licensee in advance of any public disclosure if the NRC makes such a determination.

If you have any questions regarding this matter, please contact me at (301) 415-3867 or Michael.Mahoney@nrc.gov.

Sincerely,

/RA/

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

Docket No. 50-400

cc: Gayle Elliott
Deputy Director, Licensing and Regulatory Affairs
Framatome, Inc.
3315 Old Forest Road
Lynchburg, VA 24501

Listserv

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