

July 3, 2001

Mr. Henry A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company, LLC
Box 355
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
SHEARON HARRIS NUCLEAR POWER PLANT (TAC NO. MB0199)

Dear Mr. Pellet:

By letter dated June 4, 2001, Carolina Power & Light Company (CP&L), submitted its response to the Nuclear Regulatory Commission (NRC) staff's April 20, 2001, request for additional information (RAI). The RAI was related to CP&L's October 4, and December 14, 2000, amendment requests to support steam generator replacement and power uprate.

Included in CP&L's June 4, 2001, RAI response (HNP-01-084), was your affidavit dated May 22, 2001 (CAW-01-1456), requesting that certain information in CP&L's response to NRC Question 5 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. The proprietary version of CP&L's response was included in Enclosure 2 to HNP-01-084. A nonproprietary version of CP&L's response to NRC Question 5 was included in Enclosure 1 to HNP-01-084 for placement in the NRC public document room and added to the Agencywide Documents Access and Management System Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because:

- a. The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies;
- b. Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product;
- c. It reveals aspects of past, present, or future Westinghouse- or customer-funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosure 2 to HNP Letter Serial: HNP-01-084, dated June 4, 2001, marked as

proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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, 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, please contact Kaly Kalyanam at 301-415-1480 or myself at 301-415-1373.

Sincerely,

/RA for R. Laufer by N. Kalyanam/

Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

cc: See next page

Therefore, Enclosure 2 to HNP Letter Serial: HNP-01-084, dated June 4, 2001, marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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, 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.

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Sincerely,

/RA for R. Laufer by N. Kalyanam/

Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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cc: See next page

Distribution:

H. Berkow R. Laufer
PUBLIC P. Madden M. Siemien
PDII Rdg. E. Dunnington B. Bonser, RII PYChen

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* see concurrence dated 6/18/01 **see concurrence dated 6/19/01

OFFICE	PM:PDII/S2	LA:PDII/S2	SC:EMEB*	OGC**	(A)SC:PDII/S2
NAME	NKalyanam for RLaufer	Dunnington	KManoly	MPSiemien	KJabbour for PMadden
DATE	07/02/01	07/02/01	06/18/01	06/19/01	07/03/01
COPY	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

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Carolina Power & Light Company

Shearon Harris Nuclear Power Plant
Unit 1

cc:

Mr. William D. Johnson
Vice President and Corporate Secretary
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

Mr. Chris L. Burton
Director of Site Operations
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
Post Office Box 165, MC: Zone 1
New Hill, North Carolina 27562-0165

Resident Inspector/Harris NPS
c/o U.S. Nuclear Regulatory Commission
5421 Shearon Harris Road
New Hill, North Carolina 27562-9998

Mr. Robert P. Gruber
Executive Director
Public Staff NCUC
Post Office Box 29520
Raleigh, North Carolina 27626

Ms. Karen E. Long
Assistant Attorney General
State of North Carolina
Post Office Box 629
Raleigh, North Carolina 27602

Chairman of the North Carolina
Utilities Commission
Post Office Box 29510
Raleigh, North Carolina 27626-0510

Public Service Commission
State of South Carolina
Post Office Drawer
Columbia, South Carolina 29211

Mr. James Scarola
Vice President-Harris Plant
Carolina Power & Light
Post Office Box 165, MC:Zone 1
New Hill, NC 27562-0165

Mr. John H. O'Neill, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW.
Washington, DC 20037-1128

Mr. Vernon Malone, Chairman
Board of County Commissioners
of Wake County
P. O. Box 550
Raleigh, North Carolina 27602

Mr. Mel Fry, Director
Division of Radiation Protection
N.C. Department of Environment
and Natural Resources
3825 Barrett Dr.
Raleigh, North Carolina 27609-7721

Mr. Richard H. Givens, Chairman
Board of County Commissioners
of Chatham County
P. O. Box 87
Pittsboro, North Carolina 27312

Mr. Terry C. Morton
Manager
Performance Evaluation and
Regulatory Affairs CPB 7
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602-1551

Mr. Richard J. Field, Manager
Regulatory Affairs
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P.O. Box 165, Mail Zone 1
New Hill, NC 27562-0165

Mr. Robert J. Duncan II
Plant General Manager
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P.O. Box 165, Mail Zone 3
New Hill, North Carolina 27562-0165

Mr. Eric A. McCartney, Supervisor
Licensing/Regulatory Programs
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Zone 1
New Hill, NC 27562-0165