



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

November 18, 2008

Chris L. Burton, Vice President  
Shearon Harris Nuclear Power Plant  
Carolina Power & Light Company  
Post Office Box 165, Mail Code: Zone 1  
New Hill, North Carolina 27562-0165

SUBJECT: CAROLINA POWER & LIGHT COMPANY - REQUEST FOR WITHHOLDING OF  
PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE  
SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 (TAC NO. ME0012)

Dear Mr. Burton:

By letter dated September 29, 2008, you submitted an affidavit dated September 16, 2008, executed by Debabrata Mitra-Majumdar, Holtec International Project Manager for the Shearon Harris Nuclear Station Criticality Analysis Project, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Holtec Report No. HI-2043321, Revision 4: "Criticality Safety Analyses of BWR [Boiling Water Reactor] Fuel Without Credit for Boraflex in the Racks at the Harris Nuclear Power Station" (Proprietary).

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

- (a) The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies.
- (b) The information is such that, if used by a competitor, it would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

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 affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the information submitted in the document above 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, we may send copies of this

C. Burton

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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 301-415-3178.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marlayna Vaaler', written in a cursive style.

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

Docket Nos. 50-400

cc: Distribution via ListServ

November 18, 2008

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If you have any questions regarding this matter, I may be reached at 301-415-3178.

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**/RA/**

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

Docket Nos. 50-400

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