

April 1, 2009

Mr. James Scarola
Senior Vice President
and Chief Nuclear Officer
Progress Energy, Inc
PO Box 1551
411 Fayetteville Street Mall
Raleigh, NC 27602

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR UNITS 2
AND 3 NRC DOCKET NUMBER 52-022 AND 52-023

Dear Mr. Scarola:

By letter to the Nuclear Regulatory Commission (NRC) dated February 18, 2008, Progress Energy Carolinas, Inc. (PEC) submitted an affidavit dated February 18, 2008, executed by Mr. James Scarola, requesting that the information contained in your application for combined operating licenses for Units 2 and 3 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure pursuant to the provision of paragraph (a)(4) of 10 CFR 2.390 for the following reasons:

- a. The information sought to be withheld from public disclosure is owned by PEC and has been held in confidence by PEC.
- b. The information sought to be protected is not available to the public to the best of our knowledge and belief.
- c. The information is of the type that would customarily be held in confidence by PEC. This financial information consists of PEC's projection for construction, fuel supply, and operating costs. Public disclosure of this information is likely to cause harm to PEC because it would allow contractors, vendors, and competitors to understand PEC's competitive position and schedule prior to securing the related contracts and services or pricing competitive services.
- d. The proprietary information sought to be withheld from public disclosure is identified in Part 9 of the COL application and is marked as proprietary as it appears in the application.
- e. The information is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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, the versions 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, we may send copies of this information to our consultants working in this area. We will 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 301-415-1387.

Sincerely,

/RA/

Tanya Simms, Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-022 and 52-023

cc: See next page

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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.

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