



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

May 6, 2010

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 AND LIGHT COMPANY—REQUEST FOR WITHHOLDING
OF PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE
SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 (TAC NO. ME3569)

Dear Mr. Burton:

By letter dated March 23, 2010, you submitted an affidavit dated January 28, 2010, executed by Gayle F. Elliot, Manager, Product Licensing, for AREVA NP, Inc. (AREVA NP), 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:

AREVA Report No. ANP-2853(P), Revision 0: "Harris Nuclear Plant, Unit 1, Realistic Large Break [Loss-of-Coolant Accident] LOCA Summary Report" (Proprietary).

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's Public Document Room and added to the Agencywide Documents Access and Management System Electronic Reading Room with Accession No. ML100890593.

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

- (a) 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.
- (b) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.

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 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.

C. Burton

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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, 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 No. 50-400

cc: Distribution via ListServ

C. Burton

- 2 -

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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 No. 50-400

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