



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

December 9, 2011

Mr. William Jefferson, Jr., Vice President  
Shearon Harris Nuclear Power Plant  
Progress Energy Carolinas, Inc.  
Post Office Box 165, Mail Code: Zone 1  
New Hill, NC 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 – REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. ME6169)

Dear Mr. Jefferson:

By letter dated October 21, 2011, Carolina Power & Light Company, the licensee (doing business as Progress Energy Carolinas, Inc.), submitted an affidavit dated October 19, 2011, executed by J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, 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:

Enclosure 2 – “Harris Nuclear Plant, Westinghouse Response to Request for Additional Information, RAI #9, Question #2, Measurement Uncertainty Recapture Program” (Proprietary) (7 pages)

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

- (4)(ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.

- (c) 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.

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 Enclosure 2, 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, 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 Nuclear Regulatory Commission (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 301-415-2020.

Sincerely,



Brenda L. Mozafari, Senior Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-400

cc: J. A. Gresham, Manager  
Regulatory Compliance  
Westinghouse Electric Company, LLC  
Suite 428  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

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*/RA by DBroaddus for/*

Brenda L. Mozafari, Senior Project Manager  
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 Regulatory Compliance  
 Westinghouse Electric Company, LLC  
 Suite 428  
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