

December 28, 2012

Mr. Christopher M. Fallon, Vice President
New Generation Programs & Projects
Progress Energy Corporation
P.O. Box 1551
Raleigh, NC 27602

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE FOR SUBMITTAL OF THE COMBINED LICENSE APPLICATION,
LEVY NUCLEAR POWER PLANT UNITS 1 AND 2, REVISION 5 (DOCKET NOS.
52-029 AND 52-030)

Dear Mr. Fallon:

By letter dated July 31, 2012, Progress Energy Florida, Inc. (PEF) submitted Revision 5 of the combined license (COL) application for the Levy Nuclear Plant (LNP), Units 1 and 2. The COL application contained financial information identified as proprietary and an affidavit signed by you (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12254A837) requesting that the information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4).

A nonproprietary copy of Revision 5 of this COL application has been placed in the Nuclear Regulatory Commission's (NRC) Public Document Room and added to the ADAMS Public Electronic Reading Room.

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

- a. The information sought to be withheld from public disclosure is owned by PEF and has been held in confidence by PEF.
- b. The information sought to be protected is not available to the public to the best of your knowledge and belief.
- c. The information is of the type that would customarily be held in confidence by PEF. This financial information consists of PEF's projection for construction, fuel supply, and operating costs. Public disclosure of this information is likely to cause harm to PEF because it would allow contractors, vendors, and competitors to understand PEF'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.

C. Fallon

- 2 -

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 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, 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 or require additional information, please contact me at 301-415-1035 or by e-mail at Donald.Habib@nrc.gov.

Sincerely,

/RA/

Donald Habib, Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-029
52-030

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 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 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, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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If you have any questions or require additional information, please contact me at 301-415-1035 or by e-mail at Donald.Habib@nrc.gov.

Sincerely,

/RA/

Donald Habib, Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-029
52-030

cc: See next page

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ADAMS ACCESSION NUMBER: ML12356A188 via e-mail*

OFFICE	DNRL/ LA	DNRL/ PM	NRR/DIRS/IFIB: BC	DNRL: BC (A)
NAME	RButler	DHabib	RTurtill*	LBurkhart
DATE	12/20/12	12/28/12	12/21/12	12/21/12

OFFICIAL RECORD COPY

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(Revised 09/26/2012)

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