



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

February 3, 2014

Mr. William G. Gideon, Vice President  
H. B. Robinson Steam Electric Plant  
Duke Energy Progress, Inc.  
3581 West Entrance Road  
Hartsville, SC 29550

SUBJECT: H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2 - REQUEST FOR  
WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE  
RELATED TO USE OF GOTHIC CODE (TAC NO. MF1059)

Dear Mr. Gideon:

Duke Energy Progress, Inc. (the licensee) provided information to the U.S. Nuclear Regulatory Commission (NRC) during the course of the NRC Region II inspection to support H. B. Robinson Steam Electric Plant (HBRSEP), Unit 2 regulatory position with respect to Unresolved Issue 05000261/2012005-03, "Questions Regarding Whether GOTHIC is sufficiently Qualified for Use in Operability Determinations," opened during the TI-177 inspection. During this inspection, Region II elicited assistance from the Reactor Systems Branch (SRXB) of the NRC Office of Nuclear Reactor Regulation. Subsequently, SRXB documented its review results in an internal report that was used by Region II in preparing its publicly available inspection report. Since some of the material addressed in the SRXB report was labeled to be proprietary, the SRXB report was considered to be proprietary.

Normally, the SRXB report would not be retained after Region II documented its inspection findings. However, the NRC inspectors observed that the report would be useful to future inspection teams and technical reviewers. Consequently, the proprietary content was specifically identified and the report was provided to the licensee to ensure the correctness of the proprietary identifications.

An affidavit dated August 8, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13234A382), executed by Mr. Gideon of Duke Energy Progress, Inc. was provided requesting that information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

Internal NRC report, reviewed by the licensee, titled, "Office of Nuclear Reactor Regulation (NRR) Reactor Systems Branch (SRXB) Support of Region II Inspection," Dated September 24, 2013 (ADAMS Accession No. ML13270A158).

A nonproprietary copy of the above document was placed in the NRC's Public Document Room and added to the NRC Library in the ADAMS (Accession No. ML13270A176).

The affidavit stated that the above NRC internal report should be considered exempt from mandatory public disclosure for the reasons specified in the following paragraphs:

3. i The information has been held in confidence by Duke Energy Progress, Inc.
3. ii The information is of a type that is held in confidence by Duke Progress, Inc. and there is rational basis for doing so because the information contains plant-specific computer models and data, which, in some cases, may be subject to confidentiality obligations that Duke Energy Progress, Inc. has a third party.
3. iii. The information was provided to the NRC in confidence for a purpose that was unrelated to the NRC's preparation of the internal report.
3. iv. The information is not available in public sources and could not be gathered readily from other publicly available information.
3. v. Public disclosure of this information could cause harm to Duke Energy Progress, Inc. and any third party to whom Duke Energy Progress, Inc. owes a duty of confidentiality with respect to such information.

We have reviewed the licensee's letter dated August 8, 2013, and the NRC internal report in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390, and, on the basis of your statements, have determined that the NRC internal report sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the NRC internal report 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.

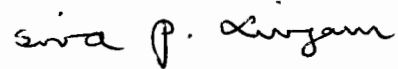
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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.

W. Gideon

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If you have any questions regarding this matter, I may be reached at 301-415-1564.

Sincerely,

A handwritten signature in black ink that reads "Siva P. Lingam". The signature is written in a cursive style with a large, stylized 'S' and 'L'.

Siva P. Lingam, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-261

Additional Distribution via Listserv

W. Gideon

- 3 -

If you have any questions regarding this matter, I may be reached at 301-415-1564.

Sincerely,

*/RA/*

Siva P. Lingam, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-261

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**ADAMS Accession No: ML14022A103**

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