



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

December 16, 2015

Mr. Regis T. Repko
Senior Vice President
Governance, Projects and Engineering
Duke Energy Corporation
Mail Code EC07H
P.O. Box 1006
Charlotte, NC 28201-1006

SUBJECT: REQUEST FOR WITHHOLDING OF PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1, AND H. B. ROBINSON STEAM ELECTRIC PLANT UNIT NO. 2 (CAC NOS. MF6648 AND MF6649)

Dear Mr. Repko:

By letter dated August 19, 2015, you submitted an affidavit dated August 19, 2015, which you executed, 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) Section 2.390:

DPC-NE-1008-P, Nuclear Design Methodology Using CASMO-5/SIMULATE-3 for Westinghouse Reactors

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library under Agencywide Documents Access and Management System Accession No. ML15236A044.

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

- (i) The information sought to be withheld from public disclosure is owned by Duke Energy and has been held in confidence by Duke Energy and its consultants.
- (ii) The information is of a type that would customarily be held in confidence by Duke Energy. Information is held in confidence if it falls in one or more of the following categories.
 - (a) The information requested to be withheld reveals distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by a vendor or consultant, without a license from Duke Energy, would constitute a competitive economic advantage to that vendor or consultant.

- (b) The information requested to be withheld consist of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), and the application of the data secures a competitive economic advantage for example by requiring the vendor or consultant to perform test measurements, and process and analyze the measured test data.
- (c) Use by a competitor of the information requested to be withheld would reduce the competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation assurance of quality or licensing of a similar product.
- (d) The information requested to be withheld reveals cost or price information, production capacities, budget levels or commercial strategies of Duke Energy or its customers or suppliers.
- (e) The information requested to be withheld reveals aspects of the Duke Energy funded (either wholly or as part of a consortium) development plans or programs of commercial value to Duke Energy.
- (f) The information requested to be withheld consists of patentable ideas.

Rationale for holding this information in confidence is the use of this information by Duke Energy provides a competitive advantage to Duke Energy over vendors and consultants, its public disclosure would diminish the information's marketability, and its use by a vendor or consultant would reduce their expenses to duplicate similar information. The information consists of analysis methodology details, analysis results, supporting data, and aspects of development programs, relative to a method of analysis that provides a competitive advantage to Duke Energy.

- (iii) The information was 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.
- (iv) The information sought to be protected is not available in public to the best of [Duke Energy's] knowledge and belief.
- (v) The proprietary information sought to be withheld in the submittal is that which is marked in the proprietary version of the Duke methodology report DPC-NE-1008-P, *Nuclear Design Methodology Using CASMO-5/SIMULATE-3 for Westinghouse Reactors*. This information enables Duke Energy to:
 - (a) Support license amendment requests for its Harris and Robinson reactors.

- (b) Perform reload design calculations for Harris and Robinson reactor cores.
- (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke Energy.
 - (a) Duke Energy uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.
 - (b) Duke Energy can sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the operation and licensing of nuclear power plants.
 - (c) The subject information could only be duplicated by competitors at similar expense to that incurred by Duke Energy.

We have reviewed the application and 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 propriety 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.

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.

R. Repko

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If you have any questions, please contact me at 301-415-2760 or Martha.Barillas@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'MB' with a long, sweeping horizontal line extending to the right.

Martha Barillas, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-400 and 50-261

cc: Mr. Benjamin C. Waldrep
Site Vice President
Shearon Harris Nuclear Power Plant
5413 Shearon Harris Rd.
New Hill, NC 27562-0165

Mr. Richard Michael Glover
Site Vice President
H. B. Robinson Steam Electric Plant
3581 West Entrance Road, RNPA01
Hartsville, SC 29550

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J. Frisco

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If you have any questions, please contact me at 301-415-2760 or Martha.Barillas@nrc.gov.

Sincerely,

/RA/

Martha Barillas, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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DATE	12/10/2015	12/15/2015	12/16/2015

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