



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

February 29, 2016

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 NO. 1, AND H. B. ROBINSON STEAM ELECTRIC PLANT UNIT NO. 2 (CAC NOS. MF5872 AND MF5873)

Dear Mr. Repko:

By letter dated September 9, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15253A680), Duke Energy Progress, Inc. (Duke Energy) submitted two affidavits in Attachments 1 and 2 to its letter as follows:

- Duke Energy affidavit dated September 9, 2015, executed by Regis T. Repko.
- AREVA Inc. (AREVA) affidavit dated August 31, 2015, executed by Morris E. Byram

Duke Energy requested that the information contained in Attachment 3 and Enclosure 1 to its letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. Specifically, Duke Energy requested that the following documents be withheld:

Response to NRC [Nuclear Regulatory Commission] Request for Additional Information (Proprietary)

DPC-NE-3000-PA, Revision 5a, "Thermal-Hydraulic Transient Analysis Methodology" (Proprietary)

By letter dated February 1, 2016 (ADAMS Accession No. ML16032A004), Duke Energy submitted administrative corrections to the enclosures to the September 9, 2015, letter. Duke Energy requested that the information contained in Enclosures 1 and 3 to its February 1, 2016, letter be withheld from public disclosure pursuant to 10 CFR Section 2.390. Duke Energy stated that the affidavits provided in the September 9, 2015, letter remain applicable to the information provided with the February 1, 2016, letter, as no new information in Enclosures 1 and 3 is being identified as proprietary. Specifically, Duke Energy requested that the following documents be withheld:

Corrected Pages for DPC-NE-3000-PA, Revision 5a, "Thermal-Hydraulic Transient Analysis Methodology" (Proprietary)

DPC-NE-3000-PA, Revision 5a, "Thermal-Hydraulic Transient Analysis Methodology"  
(Proprietary)

Non-proprietary copies of the documents have been placed in the NRC Public Document Room and added to the NRC Library under ADAMS Accession Nos. ML15253A680 and ML16032A004.

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

- 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.
- 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.
- 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.
- 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.
- 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.
- The information sought to be protected is not available in public to the best of our knowledge and belief.
- The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke Energy.
  - Duke Energy uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.
  - 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.
  - The subject information could only be duplicated by competitors at similar expense to that incurred by Duke Energy.

- Public disclosure of this information is likely to cause harm to Duke Energy because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing Duke Energy to recoup a portion of its expenditures or benefit from the sale of the information.

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

- 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.
- 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.
- The information is vital to a competitive advantage held by AREVA, would be helpful to competitors to AREVA, and would likely cause substantial harm to the competitive position of AREVA.

We have reviewed your submittals and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, 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 document. 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.

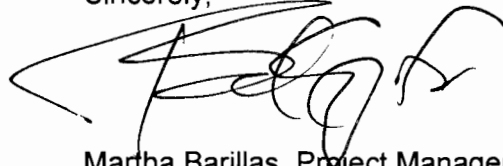
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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 regarding this matter, I may be reached at 301-415-2760 or [Martha.Barillas@nrc.gov](mailto:Martha.Barillas@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Martha Barillas', with a large, sweeping flourish extending to the left.

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

Docket Nos. 50-261 and 50-400

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  
Hartsville, SC 29550

Mr. Morris Byram  
Manager, Product Licensing  
AREVA NP, Inc.  
3315 Old Forest Road  
Lynchburg, VA 24501

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R. Repko

- 4 -

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Sincerely,

***/RA PBuckberg for/***

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

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Manager, Product Licensing  
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**ADAMS Accession No.: ML16040A231**

OFFICE	NRR/DORL/LPLII-2/PM	NRR/DORL/LPLII-2/PM	NRR/DORL/LPLII-2/LA
NAME	DGalvin	(DGalvin for) MBarillas	BClayton
DATE	2/17/2016	2/17/2016	2/12/2016
OFFICE	NRR/DSS/SNPB/BC	NRR/DORL/LPLII-2/BC	NRR/DORL/LPLII-2/PM
NAME	JDean	BBeasley	(PBuckberg for) MBarillas
DATE	2/23/2016	2/29/2016	2/29/2016

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