

May 26, 2016

Mr. Christopher M. Fallon, Vice President
Nuclear Development
Duke Energy
EC12L/526 South Church Street
Charlotte, NC 28202

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
IN RESPONSE TO TRANSMITTAL OF LEVY NUCLEAR PLANT UNITS 1 AND 2
COMBINED LICENSE APPLICATION, REVISIONS 8 AND 9

Dear Mr. Fallon:

By letters to the U.S. Nuclear Regulatory Commission (NRC) included in the list below, Duke Energy Florida, LLC (DEF), submitted affidavits, executed by Christopher M. Fallon, Vice President, Nuclear Development, which requested that the information included as an enclosure to the letters be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

Letter Number and Date	Subject	Accession Number*
NPD-NRC-2015-031 December 7, 2015	Submittal of COL Application, Revision 8	ML15349A656
NPD-NRC-2016-013 April 6, 2016	Submittal of COL Application, Revision 9	ML16111A960

*Accession number available in the Agencywide Document Access and Management System.

Levy Nuclear Plant, Units 1 and 2, Combined License Application, Revision 6,
Part 9 – Withheld Information (Revision 5 included) (Proprietary)

The affidavits state 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 DEF and has been held in confidence by DEF;

- (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 DEF. The information is of the type that would customarily be held in confidence by DEF. This financial information consists of DEF's projections for construction and fuel supply costs, and DEF's financing plan. Public disclosure of this information is likely to cause harm to DEF because it would allow contractors, vendors, and competitors to understand DEF's competitive position and schedule prior to securing the related contracts and services and/or prior to pricing competitive services;
- (d) The proprietary information sought to be withheld from public disclosure is identified in Part 9 of the COL application and marked therein as proprietary; and
- (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.

The NRC staff has 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 affidavits, have determined that the submitted information sought to be withheld contains proprietary 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, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff 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 staff 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 staff makes a determination adverse to the above, you will be notified in advance of any public disclosure.

C. Fallon

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If you have any questions regarding this matter, I may be reached at 301-415-1035.

Sincerely,

/RA Brian Hughes for:/

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

Docket Nos. 52-029 and 52-030

cc: See next page

C. Fallon

- 3 -

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NAME	RButler (MSB for)	DHabib	JMcKirgan
DATE	05/26/2016	05/26/2016	05/26/2016

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COL - Duke Energy - Levy County Mailing List
cc:

Revised (08/24/2015)

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COL - Duke Energy - Levy County Mailing List

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