



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

December 21, 2017

Mr. Steven D. Capps  
Senior Vice President  
Nuclear Corporate  
Duke Energy  
526 South Church Street, EC-07H  
Charlotte, NC 28202

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. MF8439 AND MF8440; EPID L-2016-LLA-0012)

Dear Mr. Capps:

By letters dated October 9 and October 30, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML17282A023 and ML17303B205), Duke Energy Progress, LLC (Duke Energy), submitted affidavits from Joseph Donahue dated October 9 and October 30, 2017, each of which requested that the information contained in Attachment 3 to its respective letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390 (the attachments share an identical title):

Response to NRC Request for Additional Information regarding application to revise TSs for Methodology Report DPC-NE-3009 (Proprietary)

Non-proprietary copies of the documents (Attachment 2 in each Duke Energy letter) has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library under ADAMS Accession Nos. ML17282A023 and ML17303B205.

Each of the similar affidavits stated, in part, that the information should be considered exempt from mandatory public disclosure for the following reasons:

4. (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.

- (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.

We have reviewed the applications and materials 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.

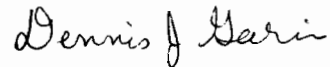
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the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

S. Capps

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If you have any questions, please contact me at (301) 415-6256 or [Dennis.Galvin@nrc.gov](mailto:Dennis.Galvin@nrc.gov).

Sincerely,



Dennis Galvin, 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: Ms. Tanya Hamilton  
Site Vice President  
Shearon Harris Nuclear Power Plant  
Duke Energy  
5413 Shearon Harris Rd., M/C HNP01  
New Hill, NC 27562-0165

Mr. Ernest J. Kapopoulos, Jr.  
Site Vice President  
H. B. Robinson Steam Electric Plant  
Duke Energy  
3581 West Entrance Rd., RNPA01  
Hartsville, SC 29550

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