

50-400



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 19, 1999

Mr. Scott H. Pellet, Project Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
SHEARON HARRIS NUCLEAR POWER PLANT (TAC NO. MA4432)

Dear Mr. Pellet:

By letter dated July 23, 1999, Carolina Power & Light Company (CP&L), submitted its response to the Nuclear Regulatory Commission (NRC) staff's June 16, 1999, request for additional information (RAI). The RAI was related to CP&L's December 23, 1998, amendment request to expand the spent fuel storage capacity at the Shearon Harris Nuclear Power Plant (HNP) by placing spent fuel pools C and D in service.

Included in CP&L's July 23, 1999, RAI response (HNP-99-112), was your affidavit dated July 2, 1999, requesting that the information contained in Enclosure 3 to CP&L's RAI response be withheld from public disclosure pursuant to 10 CFR 2.790. Enclosure 3 to HNP Letter Serial: HNP-99-112, "Information Supporting HNP Responses to NRC RAI dated June 16, 1999," contains the following specific documents considered proprietary in the entirety:

Holtec Position Paper WS-115, Rev. 1, 3D Single Rack Analysis of Fuel Racks.

Holtec Report HI-87113, Rev. 0, Evaluation of Fluid Flow for In-Phase and Out-of-Phase Rack Motions.

Holtec Report HI-87114, Rev. 0, Estimated Effects of Vertical Flow Between Racks and Between Fuel Cell Assemblies.

Holtec Report HI-87102, Rev. 0, Study of Non-Linear Fluid Coupling Effects.

Holtec Report HI-87112, Rev. 0, Fluid Flow in Narrow Channels Surrounding Moving Rigid Bodies.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because it contains:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;

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- c. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International; and
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosure 3 to HNP Letter Serial: HNP-99-112, "Information Supporting HNP Responses to NRC RAI dated June 16, 1999," containing the document listed above, marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

If you have any questions regarding this matter, I may be reached at 301-415-1373.

Sincerely,



Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

cc: See next page
Licensee

August 19, 1999

- e. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International; and
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Sincerely,

Original signed by:
 Richard J. Laufer, Project Manager, Section 2
 Project Directorate II
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Docket No. 50-400

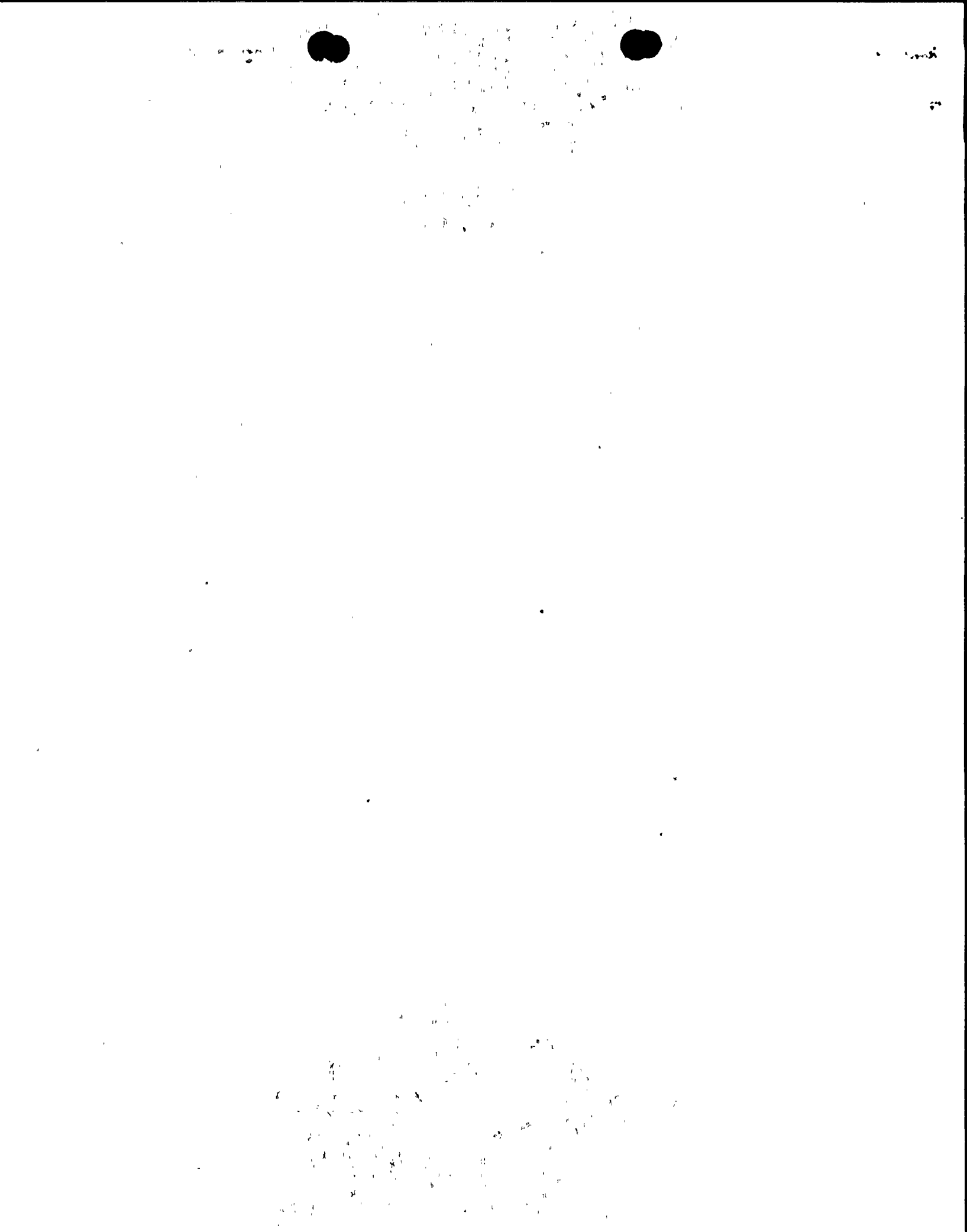
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NAME	RLaufer <i>RL</i>	Dunnington <i>ED</i>	KManoly <i>KM</i>	MPSiemien <i>MS</i>	SPeterson <i>SP</i>
DATE	8/13/99	8/13/99	8/18/99	8/18/99	8/19/99
COPY	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No



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