



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

January 11, 1990

Docket No. 50-400

Mr. Lynn W. Eury
Senior Executive Vice President
Power Supply
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

*Withholding
Granted*

Dear Mr. Eury:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By your application and affidavit dated December 15, 1989, you submitted WCAP-12403, "LOFTTR2 Analysis for a Steam Generator Tube Rupture With Revised Operator Action Times for Shearon Harris Nuclear Power Plant, November, 1989," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

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

- (1) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (2) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- (3) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.790, it is to be received in confidence by the Commission.
- (4) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of your knowledge and belief.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of vendor's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the version of the submitted information marked 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.

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Mr. Lynn W. Eury

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Withholding from public inspection shall not affect the right, in 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 information.

If the basis for withholding this information from the 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 the public disclosure.

Sincerely,

Original Signed By:

Richard A. Becker, Project Manager
Project Directorate II-1
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

cc: See next page

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Mr. L. W. Eury
Carolina Power & Light Company

Shearon Harris

cc:

Mr. R. E. Jones, General Counsel
Carolina Power & Light Company
P. O. Box 1551
Raleigh, North Carolina 27602

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

Resident Inspector/Harris NPS
c/o U. S. Nuclear Regulatory Commission
Route 1, Box 315B
New Hill, North Carolina 27562

Mr. C. S. Hinnant
Plant General Manager
Harris Nuclear Plant
P. O. Box 165
New Hill, North Carolina 27562

Mr. R. B. Richey, Manager
Harris Nuclear Project
Harris Nuclear Plant
P. O. Box 165
New Hill, North Carolina 27562

Mr. Dayne H. Brown, Chief
Radiation Protection Section
Division of Facility Services
N. C. Department of Human Resources
701 Barbour Drive
Raleigh, North Carolina 27603-2008

Mr. H. A. Cole
Special Deputy Attorney General
State of North Carolina
P. O. Box 629
Raleigh, North Carolina 27602

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