



Dianne M. Triplett
DEPUTY GENERAL COUNSEL

February 22, 2021

VIA ELECTRONIC FILING

Adam J. Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Petition to approve transaction for accelerated decommissioning services at CR3 facility, transfer of title to spent fuel and associated assets, and assumption of operations of CR3 facility pursuant to the NRC license, and request for waiver from future application of Rule 25-6.04365, F.A.C. for nuclear decommissioning study, by Duke Energy Florida, LLC;*
Docket No. 20190140-EI

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with Duke Energy Florida's Fourth Quarter Owner's Report. The filing includes the following:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (Affidavit of Terry Hobbs)

DEF's confidential Exhibit A that accompanies the above-referenced filing is being submitted under separate cover.

Thank you for your assistance in this matter. Please feel free to call me at (727) 820-4692 should you have any questions concerning this filing.

Sincerely,

/s/ Dianne M. Triplett

DMT/mw
Enclosures

Dianne M. Triplett

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re. Duke Energy Florida, LLC's Petition to approve transaction for accelerated decommissioning services at CR3 facility, transfer of title to spent fuel and associated assets, and assumption of operations of CR3 facility pursuant to the NRC license and request for waiver from future application of Rule 25-6.04365, F.A.C. for nuclear decommissioning study.

Docket No. 20190140-EI

Dated: February 22, 2021

**DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC, ("DEF" or "Company"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification (the "Request") for certain information contained in DEF's Fourth Quarter 2020 Owner's Report ("DEF's 2020 4th Qtr. Report"). In support of this Request, DEF states:

1. Portions of the information provided in DEF's 2020 4th Qtr. Report contain "confidential proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this Request:

(a) Sealed Exhibit A is a package containing an unredacted copy of the portions of the exhibit for which DEF seeks confidential treatment. Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted copy, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is two copies of the redacted version of the exhibit for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table, which identifies by the page and specific section of the exhibit, the information for which DEF seeks confidential classification and the specific statutory basis for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of the information identified in this Request.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information included in DEF’s 2020 4th Qtr. Report relates to commercially sensitive and contractual obligations under a contract between DEF, ADP CR3, LLC, and ADP SFI, LLC, for decommissioning activities related to the accelerated decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the “CR3 Facility”), the disclosure of which would not only impair the Company’s competitive business interests but would also violate contractual requirements. DEF is obligated to maintain the confidentiality of this information under the subject contract, and therefore it qualifies for confidential classification. *See* §§ 366.093(3)(d) and (e), F.S.; Affidavit of Terry Hobbs at ¶5. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the ability of the Company to negotiate contracts on favorable terms. *See* §366.093(3)(d), F.S.; Affidavit of Terry Hobbs at ¶6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit A is intended to be and is treated as confidential by the Company. *See* Affidavit of Terry Hobbs at ¶¶7 and 8. The information has

not been disclosed to the public, and the Company has treated and continues to treat the information at issue in this Request as confidential. *Id.*

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S., that the information remain confidential for a period of at least eighteen (18) months as provided in Section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 22nd day of February, 2021.

/s/ Dianne M. Triplett
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FLRegulatoryLegal@Duke-Energy.com

CERTIFICATE OF SERVICE

Docket No. 20190140-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 22nd day of February, 2021, to all parties of record as indicated below.

Dianne M. Triplett

Attorney

<p>Suzanne Brownless Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p> <p>Jon C. Moyle, Jr. / Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p>	<p>Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 rehwinkel.charles@leg.state.fl.us</p> <p>James W. Brew / Laura Wynn Baker 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com</p>
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Exhibit A

“CONFIDENTIAL”

(SUBMITTED UNDER SEPARATE COVER)

Exhibit B

REDACTED

(COPY ONE)

DEF Owner's Report

4th Quarter 2020

Owner Summary:

ADP performed well during the 4th quarter 2020. There were zero OSHA recordable injuries, no ISFSI operational or security events, no environmental events, no reportable events to federal agencies and the decommissioning activities were performed as planned.

Cost and schedule summary (including disputed costs)

ADP's invoiced Duke Energy \$68,522,843 during the quarter. Duke Energy paid the invoices based on the review of the supporting documentation that concluded the work was completed.

ADP reported that the project is 12.69% complete.

There are no disputed costs.

Duke Energy's costs, as owner of the plant, during the quarter was \$807,218.

The current Milestone 1 date is December 31, 2026.

It took several iterations to split the monthly invoices so 6% of the total would be paid to the Provisional Trust Fund. The issue was resolved in December 2020.

\$3.7M was transferred from the IOI Account to the Reserve Account on December 29, 2020, to correct an error in the closing date IOI value. Duke Energy's financial team discovered this error in December 2020.

Summary of attachment 9 reports (if any):

There was one report made to Duke Energy during the quarter. ADP notified Duke Energy on November 11, 2020 about an organizational change in equity ownership of NorthStar Group Holdings, LLC. The change creates a new entity titled NGS-WCS to integrate NorthStar Group Holdings and Waste Control Specialists under a common corporate entity. This change must be approved by the NRC. DEF notified the Florida Public Service Commission of this ownership change on November 13, 2020 in accordance with the FPSC order that approved this transaction.

Next quarter milestones	Due Date
Planning & Site Preparation – Large Component Removal (LCR) Planning – Turbine Removal Work Package	1/13/21
LCR – Turbine & Generator Removal –Setup Work Area	2/3/21
LCR – Steam Generator Removal – SG Interference Removal	2/11/21
LCR – SG hot leg piping removal	2/18/21
LCR – Pressurizer lifting & rigging plan final	3/19/21

Summary of quarterly meeting (section B of att. 9)

- ADP had zero OSHA recordable injuries during the quarter. There were 2 small, non-consequential fires during the quarter. There were 5 COVID cases that did not impact the project. The COVID exposures did not occur at the site.
- ADP shared examples of incorporating lessons learned from other decommissioning projects such as metal cutting techniques.
- NRC inspection conducted the week of 11/2/2020 resulted in no findings.
- On-going discussions with DEF about unannounced federal inspector site access protocols.
- 10 CFR 20 appendix G requires radioactive shipments to arrive at the disposal facility within 20 days. Some shipments are not meeting the 20 day duration. ADP has requested an exemption to extend the duration to 45 days. The NRC has previously granted this exemption to other decommissioning projects.
- ADP notified DEF that the Steam Generator removal scope of work would be accelerated into 2021. The removal activities are valued at [REDACTED]. The waste package, transport and disposal is valued at [REDACTED]. These values were not included in the 2021 monthly cash flow estimates. DEF has requested ADP to reforecast the 2021 monthly cash flow estimates.

Approved:

Tom Kulla 2/10/21

Exhibit B

REDACTED

(COPY TWO)

DEF Owner's Report

4th Quarter 2020

Owner Summary:

ADP performed well during the 4th quarter 2020. There were zero OSHA recordable injuries, no ISFSI operational or security events, no environmental events, no reportable events to federal agencies and the decommissioning activities were performed as planned.

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- ADP notified DEF that the Steam Generator removal scope of work would be accelerated into 2021. The removal activities are valued at [REDACTED]. The waste package, transport and disposal is valued at [REDACTED]. These values were not included in the 2021 monthly cash flow estimates. DEF has requested ADP to reforecast the 2021 monthly cash flow estimates.

Approved:

Tommy Kullback 2/10/21

Exhibit C

DUKE ENERGY FLORIDA, LLC Confidentiality Justification Matrix

DOCUMENT/ RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Fourth Quarter Owner's Report	Information contained in section titled "Summary of quarterly meeting (section 8 of 9): The information contained in number 6 after "valued at" and before "The waste" and the information after "valued at" and before "The values" is confidential.	<p>§366.093(3)(d), F.S. - The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. - The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

Exhibit D

AFFIDAVIT OF TERRY HOBBS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver from Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

DOCKET NO.: 20190140-EI

Dated: February 22, 2021

**AFFIDAVIT OF TERRY HOBBS IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA
COUNTY OF CITRUS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Terry Hobbs, who being first duly sworn, on oath deposes and says that:

1. My name is Terry Hobbs. I am over the age of eighteen (18) and I have been authorized by Duke Energy Florida, LLC (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Request for Confidential Classification ("DEF's Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager for the Decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the CR3 Facility).

3. As the General Manager, I am responsible for ensuring that Accelerated Decommissioning Partners and Duke Energy Florida comply with their contractual obligations during the decommissioning of the CR3 Facility and that Duke Energy Florida meets its reporting obligations to the Florida Public Service Commission.

4. DEF is seeking the confidential classification for portions of information provided

in DEF's Fourth Quarter Owner's Report. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains competitively sensitive commercial confidential business information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.

5. The confidential information at issue relates to commercially sensitive and contractual obligations pertaining to the terms and conditions set forth in a contract between DEF, ADP CR3, LLC and ADP SFI, LLC for decommissioning activities related to the accelerated decommissioning of the CR3 Facility, including information from the transaction, such as pricing. The disclosure of such information would not only impair the Company's competitive business advantages but would also violate contractual requirements. DEF is obligated to maintain the confidentiality of this information under the subject contract, and therefore it qualifies for confidential classification.

6. DEF negotiates with contracting parties to obtain competitive contracts that provide economic and other benefits to DEF's customers. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the Company to negotiate such contracts on favorable terms.

7. The information identified as Exhibit A is intended to be and is treated as confidential by the Company. With respect to the information at issue in DEF's Request, such information has not been disclosed to the public, and the Company has treated and continues to treat such information as confidential.

8. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

9. This concludes my affidavit.

Further affiant sayeth not.

Dated the 15th day of Feb., 2021.

Terry Hobbs

Terry Hobbs
Duke Energy Crystal River, Unit 3
Nuclear Plant
15760 W. Power Line St.
Crystal River, FL 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15th day of February, 2021 by Terry Hobbs. He is personally known to me or has produced his _____ driver's license, or his (personally known) as identification.



Michele T. Snellings

(Signature)

Michele T. Snellings

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF Florida

May 16, 2021

(Commission Expiration Date)

(Serial Number, If Any)