



DAVE BAXTER  
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April 3, 2008

U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Document Control Desk

Subject: Duke Energy Carolinas, LLC  
Oconee Nuclear Station, Units 1, 2, and 3  
Docket Numbers 50-269, 50-270, and 50-287  
License Amendment Request for Reactor Protective System/Engineered  
Safeguards Protective System Digital Upgrade, Technical Specification Change  
(TSC) Number 2007-09, Supplement 1

On January 31, 2008, Duke Energy Carolinas, LLC (Duke) submitted a License Amendment Request (LAR) to address replacement of the existing Oconee Nuclear Station (ONS) analog based Reactor Protective System (RPS) and Engineered Safeguards Protective System (ESPS) with a digital computer based RPS/ESPS. Numerous supporting technical documents were provided via electronic media concurrent with the LAR to assist in the review process. A list of these documents is provided in Table 1-2 of the LAR. Based on prior Duke/NRC agreement a portion of these documents were docketed as part of the LAR submittal. Enclosure 6 of the LAR provides a list of select Table 1-2 documents that the NRC identified as needing to be docketed concurrent with the submittal.

During a meeting between NRC and Duke Staff on March 18, 2008, to discuss the status of the LAR acceptance review, NRC communicated that the Office of General Council (OGC) was reviewing the practice of using un-docketed documents during the review process. In a telephone call on March 25, 2008, the NRC advised Duke that OGC had concluded that documents needed to support the LAR review must be either docketed or relocated to a remote location and made available for NRC review. To facilitate a timely review, Duke has decided to docket all technical documents needed to support the NRC review.

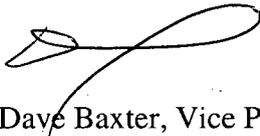
The documents listed in Enclosure 1 and 3 of this letter are docketed by reference. These documents were provided in electronic format to NRC staff via express mail on January 31, 2008. Enclosure 1 provides a list of the AREVA NP documents that are docketed by reference. Since information contained in these documents is classified by AREVA NP as

U. S. Nuclear Regulatory Commission  
April 3, 2008  
Page 2

proprietary, an affidavit from AREVA NP in accordance with the provisions of 10 CFR 2.390 is provided in Enclosure 2. Enclosure 3 provides a list of the Duke documents that are docketed by reference. Duke considers the information provided in these documents as sensitive and therefore requests these documents be withheld from public disclosure by the NRC pursuant to 10 CFR 2.390.

If there are any questions regarding this submittal, please contact Boyd Shingleton at (864) 885-4716.

Very truly yours,



Dave Baxter, Vice President  
Oconee Nuclear Station

Enclosures:

1. AREVA NP Documents Docketed by Reference
2. AREVA NP Affidavit
3. Duke Documents Docketed by Reference

U. S. Nuclear Regulatory Commission  
April 3, 2008  
Page 3

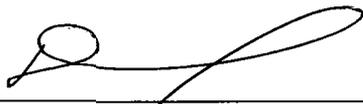
cc: Mr. L. N. Olshan, Project Manager  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Mail Stop O-14 H25  
Washington, D. C. 20555

V. M. McCree, Regional Administrator (Acting)  
U. S. Nuclear Regulatory Commission - Region II  
Atlanta Federal Center  
61 Forsyth St., SW, Suite 23T85  
Atlanta, Georgia 30303

Mr. D. W. Rich  
Senior Resident Inspector  
Oconee Nuclear Station

S. E. Jenkins, Manager  
Division of Radioactive Waste Management  
Bureau of Land and Waste Management  
Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Dave Baxter affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.

  
\_\_\_\_\_  
Dave Baxter, Vice President  
Oconee Nuclear Site

Subscribed and sworn to me: 4/3/08  
Date

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 6/12/2013  
Date

SEAL

U. S. Nuclear Regulatory Commission  
April 3, 2008  
Page 5

bcc: w/attachments

R. W. Cornett  
B. R. Loftis  
B. M. Thomas  
J. L. Abbott  
B. G. Davenport  
J. E. Burchfield  
C. E. Curry  
L. F. Vaughn  
P. M. Stovall  
D. B. Coyle  
E. L. Anderson  
R. L. Gill – NRI&A  
R. D. Hart – CNS  
K. L. Ashe - MNS  
R. V. Gambrell  
D. C. Richardson  
M. E. Bailey  
NSRB, EC05N  
ELL, ECO50  
File - T.S. Working  
BWOG Tech Spec Committee (5)  
ONS Document Management

License Amendment Request No. 2007-09, Supplement 1  
April 3, 2008

**Enclosure 2**

**AREVA NP Affidavit for Enclosure 1 Documents**

AFFIDAVIT

STATE OF VIRGINIA        )  
                                  )  
CITY OF LYNCHBURG     )        ss.

1. My name is Mark J. Burzynski. I am Manager, Product Licensing, for AREVA NP Inc. and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA NP to determine whether certain AREVA NP information is proprietary. I am familiar with the policies established by AREVA NP to ensure the proper application of these criteria.

3. I am familiar with the AREVA NP information provided to the NRC in support of a Duke Power Company LLC License Amendment Request for Oconee Nuclear Station, Units 1, 2, and 3 (Docket Numbers 50-269, 50-270, and 50-287) entitled *Reactor Protective System/Engineered Safeguards Protective System Digital Upgrade, Technical Specification Change Number 2007-09 by letter dated April 1, 2008*. The following twenty seven AREVA NP documents are provided and referred to herein as the "Documents."

- AREVA NP Document 51-9062040-002, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Requirements Traceability Matrix Report
- AREVA NP Document 38-9018447-000, Software Configuration of the 'TXS Software' for LINUX, Release 3.0.7A (NGLTD/2005/en/0148)

- AREVA NP Document 38-5069821-006, Oconee Nuclear Station, Unit 1  
RPS/ESF Replacement Hardware Design Drawings Cabinet #5
- AREVA NP Document 38-5069822-006, Oconee Nuclear Station, Unit 1  
RPS/ESF Replacement Hardware Design Drawings Cabinet #6
- AREVA NP Document 51-5023886-03, Oconee Nuclear Station Unit 1  
RPS/ESFAS Controls Upgrade Failure Modes and Effects Analysis
- AREVA NP Document 51-5045379-10, Oconee Nuclear Station, Units 1, 2 and 3  
RPS/ESFAS Controls Upgrade Design Specification for Keyswitches
- AREVA NP Document 51-5052833-08, Oconee Nuclear Station, Units 1, 2 & 3  
RPS/ESFAS Controls Upgrade - Hardware Design Solutions
- AREVA NP Document 51-9006444-005, Oconee Nuclear Station, Units 1, 2, and  
3 RPS/ESFAS Controls Upgrade Software Configuration Management Plan
- AREVA NP Document 51-5058134-05, Oconee Nuclear Station, Units 1,2, & 3  
RPS/ESFAS Controls Upgrade ID Coding Concept
- AREVA NP Document 51-5065423-07, Oconee Nuclear Station, Unit 1  
RPS/ESFAS Controls Upgrade Software Design Description
- AREVA NP Document, 51-9056720-001, Oconee Nuclear Station Unit 1  
RPS/ESFAS Controls Upgrade Project Requirements V&V Activity Summary  
Report
- AREVA NP Document 51-9052960-002, Oconee Nuclear Station, Units 1, 2, and  
3 RPS/ESFAS Controls Upgrade Factory Acceptance Test Plan
- AREVA NP Document 51-9005043-005, Oconee Nuclear Station, Unit 1, 2, & 3  
RPS/ESFAS Controls Upgrade Software Safety Plan (SSP)

- AREVA NP Document 66-5015893-03, TELEPERM XS Supplemental Equipment Qualification Summary Test Report
- AREVA NP Document 66-5065212-03 Oconee Nuclear Station Unit 1 RPS/ESFAS Replacement Project Equipment Qualification Report
- AREVA NP Document 38-9046580-000, TÜV Certificate No. 968/K 110/02 for Communication Processor System TELEPERM XS
- AREVA NP Document 38-9046927-001, TÜV Report No. 968/K 110.01/02, Documentation of Theoretical and Practical Testing in Accordance with KTA 3503 of Communication Processor SCP2 in the TELEPERM XS System from Framatome ANP GmbH
- AREVA NP Document 38-9047360-000, TÜV Certificate No. 968/K 109/02 for Processing Module System TELEPERM XS
- AREVA NP Document 38-9045077-001, TELEPERM XS Simulation – Concept of Validation and Verification (NGLTD/2004/en/0094)
- AREVA NP Document 62-9014454-002, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Output Module Test Specification
- AREVA NP Document 62-9014730-003, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Inputs Test Specification
- AREVA NP Document 62-9014734-002, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Function Module Test Specification

- AREVA NP Document 63-9014735-003, Oconee Nuclear Station, Unit 1  
RPS/ESFAS Controls Upgrade Application Software Input Modules Test  
Procedure
- AREVA NP Document 63-9014738-003, Oconee Nuclear Station, Unit 1  
RPS/ESFAS Controls Upgrade Application Software Functions Test Procedure
- AREVA NP Document 63-9014764-002, Oconee Nuclear Station, Unit 1  
RPS/ESFAS Controls Upgrade Application Software Outputs Test Procedure
- AREVA NP Document 01-1007776-06, TELEPERM XS Function Blocks  
(Release 2.61) and FB-ADDON (Release 1.20) (TXS-1003-76-V11.1)
- AREVA NP Document 01-5044046-01, TELEPERM XS SIVAT-TXS Simulation  
Based Validation Tool (Version 1.5.0 and higher) User Manual  
(TXS-1047-76-V2.1)

Information contained in these Documents has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP for the control and protection of proprietary and confidential information.

4. These Documents contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA NP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in these Documents as proprietary and confidential.

5. These Documents have been made available to the U S. Nuclear Regulatory Commission in confidence with the request that the information contained in these Documents be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for

which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4)

"Trade secrets and commercial or financial information".

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA NP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in these Documents is considered proprietary for the reasons set forth in paragraphs 6(b), 6(c) and 6(d) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in these Documents has been

made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

Mark Burzynski 3/28/08

SUBSCRIBED before me on this 28<sup>th</sup>  
day of March, 2008.

KENDRICK SMART  
NOTARY PUBLIC, CHEROKEE COUNTY, GA  
MY COMMISSION EXPIRES DEC. 15, 2009

K.S. S

NOTARY PUBLIC, STATE OF GEORGIA

