

October 28, 2008

Mr. Dave Baxter
Vice President, Oconee Site
Duke Energy Carolinas, LLC
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 (OCONEE) (TAC NOS.
MD7050, MD7051, AND MD7052)

Dear Baxter:

By letters dated October 22, July 14 and September 17, 2008, you submitted affidavits dated October 5, 2007 and June 19, 2008, executed by Thomas C. Geer of Duke Energy Carolinas, LLC (Duke), requesting that the information contained in the following document, and the responses to requests for additional information (RAIs) concerning this document, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Oconee Nuclear Station, Mark-B-HTP Fuel Transition Methodology, DPC-NE-2015-P

The two affidavits submitted information that should be considered exempt from mandatory public disclosure for the following reasons:

- i. The information sought to be withheld from public disclosure is owned by Duke and has been held in confidence by Duke and its consultants.
- ii. The information is of a type that would customarily be held in confidence by Duke. This information consists of analysis methodology details, analysis results, supporting data, and aspects of development programs, relative to a method of analysis that provides a competitive advantage to Duke.
- iii. The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390, it is received in confidence by the NRC.
- iv. The information sought to be protected is not available in public to the best of our [Duke's] knowledge and belief.
- v. The proprietary information sought to be withheld in the submittals is that which is marked in the proprietary version of the response to the request for additional information from the Nuclear Regulatory Commission concerning Revision 0 to the Duke methodology report DPC-NE-2015-P, "Oconee Nuclear Station Mark-B-HTP Fuel Transition Methodology." and the responses to the RAIs. This information enables Duke to:

- a) Support license amendment and Technical Specification revision request for its Oconee reactors
 - b) Perform nuclear design calculations on Oconee reactor cores containing low enriched uranium fuel.
 - c) Perform transient and accident analysis calculations for Oconee
- vi. The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke.
 - a) Duke uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.
 - b) Duke can sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the operation and licensing of nuclear power plants.
 - c) The subject information could only be duplicated by competitors at similar expense to that incurred by Duke.

Public disclosure of this information is likely to cause harm to Duke because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing Duke to recoup a portion of its expenditures or benefit from the sale of the information.

We have reviewed your application and the material 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 proprietary commercial information and should be withheld from public disclosure.

Therefore, "Oconee Nuclear Station, Mark-B-HTP Fuel Transition Methodology, DPC-NE-2015-P," and the responses to RAIs concerning this document, 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. A non-proprietary version of DPC-NE-2015-P is available under ADAMS accession number ML082690091 and non-proprietary versions of the responses to the RAIs were provided with the letters dated July 14 and September 17, 2008.

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 Nuclear Regulatory Commission (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

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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 301-415-1419.

Sincerely,

/RA/

Leonard N. Olshan, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-269, 50-270, and 50-287

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