



DAVE BAXTER  
Vice President  
Oconee Nuclear Station

Duke Energy Corporation  
ON01VP/7800 Rochester Highway  
Seneca, SC 29672

864-885-4460  
864-885-4208 fax  
dabaxter@dukeenergy.com

November 19, 2008

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D. C. 20555

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 10

Nuclear Regulatory Commission (NRC) Staff conducted an audit at the AREVA NP office in Alpharetta, Georgia during the week of September 15, 2008. This audit was associated with NRC Staff review of the January 31, 2008, Duke Energy Carolinas, LLC (Duke) License Amendment Request (LAR) that addresses replacing the analog based Reactor Protective System (RPS) and Engineered Safeguards Protective System (ESPS) with a digital computer based RPS/ESPS at Oconee Nuclear Station. At the audit exit meeting, the NRC requested that Duke submit several AREVA NP documents in support of the NRC review.

Enclosure 1 identifies the documents that NRC requested Duke to docket and describes recommended changes that AREVA NP agreed to make to some of these documents. Copies of three AREVA NP Operating instructions and AREVA NP Condition Reports (along with a summary document for each) are provided in Enclosure 2. These documents are considered proprietary information by AREVA NP and an affidavit for withholding is provided in Enclosure 3. Duke plans to submit other AREVA NP documents described in Enclosure 1 prior to December 19, 2008.

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

Enclosure 2 to this letter contains proprietary information.  
Withhold from public disclosure under 10 CFR 2.390.  
Upon removal of Enclosure 2, this letter is uncontrolled.

A001  
NR

U. S. Nuclear Regulatory Commission  
November 19, 2008  
Page 2

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 19, 2008.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Dave Baxter', written over a horizontal line.

Dave Baxter, Vice President  
Oconee Nuclear Station

Enclosures:

1. Response to NRC AREVA NP Audit Document Request
2. AREVA NP Documents - Proprietary
3. AREVA NP Affidavits

Enclosure 2 to this letter contains proprietary information.  
Withhold from public disclosure under 10 CFR 2.390.  
Upon removal of Enclosure 2, this letter is uncontrolled.

U. S. Nuclear Regulatory Commission  
November 19, 2008  
Page 3

cc: w/o enclosures

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

L. A. Reyes, Regional Administrator  
U. S. Nuclear Regulatory Commission - Region II  
Atlanta Federal Center  
61 Forsyth St., SW, Suite 23T85  
Atlanta, Georgia 30303

Mr. G. A. Hutto  
Senior Resident Inspector  
Oconee Nuclear Station

S. E. Jenkins, Manager  
Infectious and Radioactive Waste Management Section  
2600 Bull Street  
Columbia, SC 29201

Enclosure 2 to this letter contains proprietary information.  
Withhold from public disclosure under 10 CFR 2.390.  
Upon removal of Enclosure 2, this letter is uncontrolled.

bcc: w/o enclosures

R. W. Cornett  
B. R. Loftis  
B. M. Thomas  
J. L. Abbott  
B. G. Davenport  
J. E. Burchfield  
C. E. Curry  
L. F. Vaughn  
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  
File - T.S. Working  
BWOOG Tech Spec Committee (5)

w/ enclosures  
ONS Document Management  
ELL, ECO50

Enclosure 2 to this letter contains proprietary information.  
Withhold from public disclosure under 10 CFR 2.390.  
Upon removal of Enclosure 2, this letter is uncontrolled.

## **Enclosure 1**

### **Response to NRC AREVA NP Audit Document Request**

Nuclear Regulatory Commission (NRC) Staff conducted a thread audit of the Oconee Reactor Protective System (RPS)/Engineered Safeguards Protective System (ESPS) replacement project at the AREVA NP office in Alpharetta, Georgia during the week of September 15, 2008. At the exit meeting, Duke agreed to submit several AREVA NP documents in support of the NRC review.

Specifically, NRC requested Duke to docket the following five AREVA Operating Instructions (OIs):

- OI-1457-06, TELEPERM XS Software Quality Assurance Plan

NRC recommended some improvements for OI-1457 regarding the discussion of the Software Design Document and the basis for not performing a source code review. Section 3.22 was revised to clarify the reasons for not performing a Source Code review. Section 4.2.2 was revised to add additional information discussing the Software Design Document.

- OI-1460-08, TELEPERM XS Software Configuration Management Plan

NRC recommended one area for improvement regarding the listing of responsibilities in OI-1460. Section 2.2.1 and Table 2-1 were revised to better define the software configuration management responsibilities.

- OI-1577-02, Processing Open Items

NRC asked that a copy of OI-1577 be provided.

- OI-1583-03, Software Library and Control

NRC recommended one area for improvement in OI-1583 regarding multiple checkouts for revision of a software package. Sections 9.3.2.2.1 and 9.6.1.2 were revised to strengthen the controls for multiple checkouts.

- OI-1611-01, Design Process

NRC asked that a copy of OI-1611 be provided.

Copies of three Operating instructions (OI-1460-08, OI-1583-03, and OI-1611-01) are provided in Enclosure 2. Two Operating instructions (OI-1457-06 and OI-1577-02) were

recently provided to NRC in RPS/ESPS License Amendment Request (LAR) Supplement 8 dated October 23, 2008. Duke provided an earlier version of OI-1460 (Rev. 7) in Supplement 5 dated September 30, 2008.

NRC also requested Duke to docket corrective action documents associated with three audit findings related to verification and validation activities (AREVA NP Condition Reports 2008-5083, 2008-5104, and 2008-5109). Condition Report 2008-5109 was reissued as Condition Report CR 2008-5567 after the NRC audit. Copies of these three Condition Reports along with a summary document for each are provided in Enclosure 2.

Duke plans to provide the NRC the following requested documents prior to December 19, 2008:

- AREVA NP document 51-5072680, Oconee Nuclear Station Unit 1 RPS/ESFAS Controls Upgrade Design Phase V&V Activity Summary Report (as revised by CR 2008-5083 and CR 2008-5567)
- AREVA NP document 136-9086711, Oconee Nuclear Station Unit 1 RPS/ESFAS Controls Upgrade Implementation Phase V&V Activity Summary Report (as revised by CR 2008-5083 and CR 2008-5567)
- AREVA NP QA Audit Report for the audit performed at the end of September 2008
- AREVA NP document providing a summary of the software safety analyses performed for the Oconee project (new document)

In a subsequent Duke/NRC conference call on October 23, 2008, AREVA NP agreed to make changes to OI-1577 to address some NRC-identified improvements related to procedural guidance for certain processing decisions (i.e., change orders and retesting). Duke plans to provide this OI revision prior to December 19, 2008.

TSC 2007-09, Supplement 10  
November 19, 2008

**Enclosure 3**

**AREVA NP Affidavits**

## AFFIDAVIT

COMMONWEALTH 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*. The following AREVA NP documents are provided and referred to herein as the "Documents."

- Operating Instruction OI-1460-08, TELEPERM XS Software Configuration Management Plan
- Operating Instruction OI-1583-03, Software Library and Control
- Operating Instruction OI-1611-01, Design Process

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 contain 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(d) and 6(e) 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.

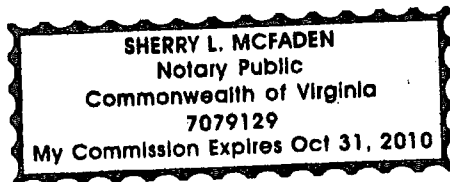
9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

Mandy Benzyski

SUBSCRIBED before me on this 30<sup>th</sup>  
day of October, 2008.

Sherry L. McFaden

Sherry L. McFaden  
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES: 10/31/2010  
Registration # 7079129



## AFFIDAVIT

COMMONWEALTH 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*. The following AREVA NP documents are provided and referred to herein as the "Documents."

- Condition Report 2008-5083
- Condition Report 2008-5104
- Condition Report 2008-5567

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 contain 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(d) and 6(e) 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 J. Buzzaschi

SUBSCRIBED before me on this 29<sup>th</sup>  
day of OCTOBER, 2008.

Sherry L. McFaden

Sherry L. McFaden  
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES: 10/31/2010  
Registration # 7079129

