



**DAVE BAXTER**  
Vice President  
Oconee Nuclear Station

**Duke Energy**  
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April 7, 2009

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D. C. 20555-0001

Subject: Duke Energy Carolinas, LLC  
Oconee Nuclear Station  
Docket Number 72-4, License No. SNM-2503  
License Renewal Application for the Site-Specific Independent Spent Fuel Storage  
Installation (ISFSI) - Request for Withholding of Proprietary Information Affidavit  
License Amendment Request No. 2007-06

On January 30, 2009, Duke Energy Carolinas, LLC (Duke) responded to two (2) NRC Request for Additional Information (RAI) letters sent in regard to the Oconee Nuclear Station's Site-Specific ISFSI license renewal request dated January 30, 2008. Subsequently, during Staff review of the RAI response submittal, it was revealed that a Duke Affidavit requesting the withholding of proprietary information had been omitted. The enclosure to this letter contains the omitted Duke affidavit.

If you have any questions in regard to this letter, please contact Stephen C. Newman, Regulatory Compliance Lead Engineer, Oconee Nuclear Station, at (864) 873-4388.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 2009.

Sincerely,

Dave Baxter, Vice President  
Oconee Nuclear Station

Enclosure

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bc w/enclosure:

Director, Spent Fuel Project Office  
Nuclear Material Safety and Safeguards  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001

Mr. John M. Goshen, Project Manager  
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Mr. Scott Atwater  
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Mr. Luis Reyes  
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Mr. Andy Hutto  
NRC Senior Resident Inspector  
Oconee Nuclear Station

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

**Enclosure**  
**Affidavit of Dave Baxter**

## AFFIDAVIT OF DAVE BAXTER

1. I am Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC (Duke), and as such, have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear plant licensing and am authorized to apply for its withholding on behalf of Duke.
2. I am making this affidavit in conformance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke in designating information as proprietary.
4. The Duke proprietary information sought to be withheld include the following two (2) fabrication drawings:
  - (1) Phase 1: O-39-04-01, Rev 2, "ISFSI Project Units 1-3, Horizontal Storage Modules, Miscellaneous Steel,"
  - (2) Phase 2: O-39-14-02, Rev 3, "ISFSI Phase 2- Units 1-3, Horizontal Storage Modules, Miscellaneous Steel, Plans, Sections, and Details."
5. Pursuant to the provisions of paragraph (b) (4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld:
  - i. The information sought to be withheld from public disclosure is owned by Duke and has been held in confidence by Duke and its consultant, Transnuclear, Inc.
  - ii. The information is of a type that would customarily be held in confidence by Duke and its consultant, Transnuclear, Inc.
  - iii. The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.
  - iv. The information sought to be protected is not available in public to the best of our knowledge and belief.
  - v. The proprietary information sought to be withheld from public disclosure is required for the NRC to completely and adequately conduct its review of Duke's ISFSI License Renewal Request and subsequent NRC Request for Additional Information.

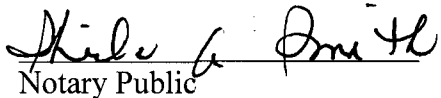
- vi. Public disclosure of this information is likely to cause substantial harm to the competitive position of Duke's consultant, Transnuclear, Inc., i.e., the information consists of detailed descriptions of portions of the design of Transnuclear Inc.'s dry spent fuel storage system the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Transnuclear, Inc., take marketing or other actions to improve their product's position or impair the position of Transnuclear Inc.'s product.

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 Station

Subscribed and sworn to before me this 7 day of April, 2009

  
Notary Public

My Commission Expires:

6-12-2013  
Date