



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
July 13, 2009

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
FOR OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 REGARDING
REACTOR PROTECTIVE SYSTEM/ ENGINEERED SAFEGUARDS
PROTECTIVE SYSTEM DIGITAL UPGRADE (TAC NOS MD7999, MD8000 and
MD 8001)

Dear Mr. Baxter:

By letter dated April 3, 2008 AREVA NP Inc. submitted an affidavit dated March 28, 2008, executed by Mark J. Burzynski, Manager, Product Licensing, AREVA NP Inc. requesting that the following documents (in their entirety) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

- 1) Oconee 1 RPS&ESFAS Requirements Traceability Matrix
- 2) Software Configuration of the TXS Software for LINUX, Release 3.0.7A (NGLTD/2005/en/0148)
- 3) Oconee Nuclear Station, Unit 1 RPS/ESF Replacement Hardware Design Drawings Cabinet #5
- 4) Oconee Nuclear Station, Unit 1 RPS/ESF Replacement Hardware Design Drawings Cabinet #6
- 5) Oconee Nuclear Station Unit 1 Failure Modes and Effects Analysis
- 6) ONS 1, 2, & 3 RPS/ESF Controls Upgrade Design Specification for KeySwitches
- 7) Oconee Nuclear Station, Units 1, 2, & 3 RPS/ESFAS Controls Upgrade – Hardware Design Solutions
- 8) Oconee Nuclear Station, Units 1, 2, & 3 RPS/ESFAS Controls Upgrade Software Configuration Management Plan
- 9) Oconee Nuclear Station, Units 1, 2, & 3 RPS/ESFAS Controls Upgrade ID Coding Concept
- 10) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Software Design Description

- 11) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Project Requirements V&V Activity Summary Report
- 12) Oconee Nuclear Station, Units 1, 2, & 3 RPS/ESFAS Controls Upgrade Factory Acceptance Test Plan
- 13) Oconee Nuclear Station, Units 1, 2, & 3 RPS/ESFAS Controls Upgrade Software Safety Plan (SSP)
- 14) TELEPERM XS Supplemental Equipment Qualification Summary Test Report
- 15) Oconee Nuclear Station Unit 1 RPS/ESFAS Replacement Project Equipment Qualification Report
- 16) TUV Certificate No. 968/K 110/02 for Communication Processor System TELEPERM XS
- 17) TUV Report No. 968/K 110.01/02, Documentation of Theoretical and Practical Testing in Accordance with KTA 3503 of Communication Processor SCP2 in TELEPERM XS System from Framatome ANP GmbH
- 18) TUV Certificate No. 968/K 109/02 for Processing Module System TELEPERM XS
- 19) TELEPERM XS Simulation – Concept of Validation and Verification (NGLP/2004/en/0094)
- 20) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Output Module Test Specification
- 21) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Inputs Test Specification
- 22) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Function Module Test Specification
- 23) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Input Modules Test Procedure
- 24) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Functions Test Procedure
- 25) Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Application Software Outputs Test Procedure
- 26) TELEPERM XS Function Blocks, Release 2.61 and FB-ADDON (Release 1.20)(TXS-1003-76-V11.1)

27) TELEPERM XS SIVAT-TXS Simulation Based Validation Tool (Version 1.5.0 and higher)(TXS-1047-76-V2.1)

The affidavit stated that the above documents (in their entirety) have 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 and should be considered exempt from mandatory public disclosure for the following reasons:

- It reveals details of AREVA's NP's research and development plans and programs or their results.
- Its use by a competitor would reduce his expenditures, in time or resources, to design, produce, or market a similar product or service.
- It includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- It 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.
- It is vital to a competitive advantage held by AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

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, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the 27 aforementioned documents 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.

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.

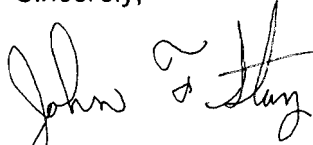
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to 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 NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

D. Baxter

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If you have any questions regarding this matter, I may be reached at 301-415 -1345.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Stang". The signature is fluid and cursive, with the first name "John" being the most prominent.

John F. Stang, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-269, 50-270, 50-287

D. Baxter

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Sincerely,

/RA/

John F. Stang, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-269, 50-270, 50-287

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NAME	JArce	JStang	MO'Brien (SRohrer for)	WKemper	MWong
DATE	07/07/09	07/09/09	07/06/09	07/13/09	07/13/09

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