



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

November 12, 2009

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

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE REGARDING REACTOR PROTECTIVE SYSTEM/ENGINEERED SAFEGUARDS PROTECTIVE SYSTEM DIGITAL UPGRADE (TAC NOS. MD7999, MD8000 AND MD8001)

Dear Mr. Baxter:

By letter dated March 6, 2009, Duke Energy Carolinas, LLC, submitted an affidavit dated February 19, 2009, executed by Mark J. Burzynski, Manager, Product Licensing, AREVA NP Inc., requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- AREVA NP Presentation entitled TELEPERM XS Requirements and Test of MSI Barrier
- AREVA NP Presentation entitled TELEPERM XS Requirements and Test of the Service Unit (SU) / Online System Barrier
- ISTec Test Report, Technical test report resulting from the technical inspection of the data transmission barrier of the Message- and Service-Interface in the Digital Safety Instrumentation and Control System TELEPERM XS, V1.00, November 2002 (translated from German)
- ISTec Test Report, Technical Test Report for testing the Data Processing Barrier of the Monitoring and Service Interface in Digital Safety I&C TELEPERM XS, Version 2.20, March 2008

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

- (a) 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.
- (b) 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.

- (c) 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.

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, the 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.

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

Sincerely,

Handwritten signature of John F. Stang, with the word "for" written below it.

John F. Stang, Senior 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

cc: Distribution via Listserv

cc: Mr. Mark J. Burzynski, Manager  
Product Licensing  
AREVA NP Inc.  
3315 Old Forest Road  
Lynchburg, VA 24501

- (c) 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.

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*/RA by JThompson for/*

John F. Stang, Senior Project Manager  
 Plant Licensing Branch II-1  
 Division of Operating Reactor Licensin  
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 Product Licensing  
 AREVA NP Inc.  
 3315 Old Forest Road  
 Lynchburg, VA 24501

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OFFICE	NRR/LPL2-1/PM	NRR/LPL2-1/PM	NRR/LPL2-1/LA	NRR/EICB/BC	NRR/LPL2-1/BC
NAME	JArce	JStang (JThompson for)	MO'Brien	WKemper	GKulesa (VSreenivas for)
DATE	11/12/09	11/12/09	11/10/09	11/5/09	11/12/09