



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 April 3, 2009, Duke Energy Carolinas, LLC, submitted affidavits dated February 17, 2009, February 19, 2009 (2), March 19, 2009, and March 31, 2009 (2), executed by Mark J. Burzynski, Manager, Product Licensing, AREVA NP Inc., requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- AREVA NP Operating Instruction OI-1639-00, Software Review and Audits
- AREVA NP document 51-9079808-003, Oconee Nuclear Station Unit 3 RPS/ESFAS Controls Upgrade Software Verification and Validation Plan
- AREVA NP Presentation entitled TELEPERM XS On-line Self-monitoring
- ISTec Test Report, Supplementary Technical Test Report on the Type Test of the Self Test for Computers of the Digital Safety I&C System TELEPERM XS, Version 2.00, August 2002 (translated from German)
- AREVA NP document 51-9019354-004, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Software Configuration Items List
- AREVA NP document 51-9062040-003, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Requirements Traceability Matrix Report
- AREVA NP document 51-9105739-000, Oconee Nuclear Station Unit 1 RPS/ESFAS Controls Upgrade Test Phase V&V Activity Summary Report
- AREVA NP document 32-9009296-005, Oconee Nuclear Station, Unit 1 RPS/ESFAS Controls Upgrade Response Time Calculation

The affidavits 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 affidavits, 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.

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 that reads "John Thompson" with "for" written below it.

John F. Stang, Senior Project Manage
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

D. Baxter

- 3 -

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

Sincerely,

/RA by JThompson for/

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

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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

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