



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 January 30, 2009, and March 6, 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 document 51-9047317-009, Position Paper Conformance of TELEPERM XS Application Software with IEEE Std 1012-1998
- AREVA NP document OI-1460-10, TELEPERM XS Software Configuration Management Plan

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 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.
- (c) 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.

D. Baxter

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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.

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

Sincerely,



John F. Stang, Senior Project Manager
Plant Licensing Branch II-
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

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Sincerely,

/RA by JThompson for/

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

Docket Nos. 50-269, 50-270, and 50-287

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

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