



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001  
October 9, 2009

Mr. Dave Baxter  
Vice President  
Oconee Nuclear Station  
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 January 31, 2008, Duke Energy Carolinas, LLC, submitted two affidavits dated January 22, 2008, executed by Mark J. Burzynski, Manager, Product Licensing, AREVA NP Inc., requesting that 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 51-5055058-06, Dedication Plan for Absopulse AC/DC Power Supply SYS/ARV-4-Q9418
- AREVA NP Document 51-9062468-001, Generic Dedication Task Letter for Absopulse AC/DC Power Supply SYS/PFC-4-Q9418
- AREVA NP Document 51-9062071 -001, Generic Task Letter for Additional Absopulse Power Supply Module Testing at Absopulse
- AREVA NP Document 51-5045374-06, Oconee Nuclear Station, Unit I RPS/ESFAS Controls Upgrade System Architecture
- AREVA NP Document 51-9029108-003, Oconee Nuclear Station, Units 1, 2, and 3 RPS/ESFAS Controls Upgrade TXS System Description for LAR Input
- AREVA NP Document 51-9054435-002, Oconee Nuclear Station, Unit I RPS/ESFAS Controls Upgrade Software Requirements Specification
- AREVA NP Document 51-9010419-005, Oconee Nuclear Station Unit I RPS/ESFAS Controls Upgrade Software Verification and Validation Plan

- Reactor Protective System/Engineered Safeguards Protective System Digital Upgrade, Technical Specification Change Number 2007-09

The affidavits stated that the above documents 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,

  
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. Ronnie L. Gardner, Manager  
Site Operations and Regulatory Affairs  
AREVA NP Inc.  
3315 Old Forest Road  
Lynchburg, VA 2450

D. Baxter

- 3 -

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Sincerely,

**/RA by RMartin for/**

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

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DATE	9/30/09	10/6/09	9/29/09	10/08/09	10/9/09

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