



**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 October 23, 2008, Duke Energy Carolinas, LLC, submitted an affidavit dated October 20, 2008, 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:

- Operating Instruction OI-1456-03, TELEPERM-XS Project Phase
- Operating Instruction OI -1457-06, TELEPERM XS Software Quality Assurance Plan
- Operating Instruction OI -1459-08, TELEPERM XS Software Verification and Validation Plan
- Operating Instruction OI -1577-02, Processing Open Items
- Operating Instruction OI -1578-04, TELEPERM XS Software Safety Plan
- Operating Instruction OI -1589-01, TELEPERM XS Cyber-Security
- Operating Instruction OI -1591-02, TXS System - Requirements Traceability Matrix

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 of 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 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.

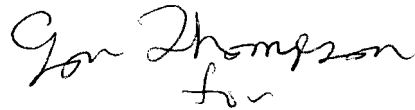
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to 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.

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 cursive script, appearing to read "John Stang".

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

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 Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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Product Licensing
AREVA NP Inc.
3315 Old Forest Road
Lynchburg, VA 24501

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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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