



DAVE BAXTER
Vice President
Oconee Nuclear Station

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November 5, 2009

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

Subject: Duke Energy Carolinas, LLC
Oconee Nuclear Station, Units 1, 2, and 3
Docket Numbers 50-269, 50-270, and 50-287
Duke Comments on Draft NRC Safety Evaluation for Acceptance of the Oconee
Reactor Protective System and Engineered Safeguards Protective System Digital
Upgrade

The Nuclear Regulatory Commission (NRC) provided a draft Safety Evaluation (SE) for Acceptance of the Oconee Nuclear Station (ONS) Reactor Protective System (RPS) and Engineered Safeguards Protective System (ESPS) Digital Upgrade to Duke Energy Carolinas, LLC (Duke) by letter dated October 23, 2009. Duke submitted the License Amendment Request (LAR) associated with this SE by letter dated January 31, 2008.

The letter transmitting the draft SE states that Duke must identify any proprietary information line-by-line and define the basis pursuant to the criteria of 10 CFR 2.390 within 10 working days of the letter. Duke's review concluded that the draft SE does not contain any business proprietary information. However, Section 3.6 of the draft SE contains security sensitive information. The enclosure identifies, line-by-line, the information contained in Section 3.6 that is security sensitive. The information identified as security sensitive is consistent with Duke's RPS/ESPS cyber security submittal dated January 30, 2008, and associated Request for Additional Information (RAI) responses. The text identified provides details of design features that secure the RPS/ESPS from electronic vulnerabilities. As such, Duke considers the draft SE information identified in the enclosure to be sensitive information and requests that it be withheld from public disclosure pursuant to 10 CFR 2.390.

Duke will provide comments on factual errors or clarity concerns contained in the draft SE within the 20 working days allowed by the transmittal letter. Thus far, Duke has identified a sufficient number of editing and formatting errors that NRC may want to make corrections prior to placing the draft SE in the public document room.

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If there are any questions regarding this submittal, please contact Boyd Shingleton at (864) 873-4716.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 5, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Baxter", with a stylized flourish extending from the end.

Dave Baxter, Vice President
Oconee Nuclear Station

Enclosure

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cc: Mr. J. F. Stang, Project Manager
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Mail Stop O-14 H25
Washington, D. C. 20555

Mr. L. A. Reyes, Regional Administrator
U. S. Nuclear Regulatory Commission - Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, Georgia 30303

Mr. A. T. Sabisch
Senior Resident Inspector (Acting)
Oconee Nuclear Station

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