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

October 30, 2019

Mr. J. Ed Burchfield, Jr.
Site Vice President
Oconee Nuclear Station
Duke Energy Carolinas, LLC
7800 Rochester Highway
Seneca, SC 29672-0752

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID NO. L-2019-LLA-0184)

Dear Mr. Burchfield:

By letter dated August 28, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19240A814), Duke Energy Carolinas, LLC (the licensee) and Framatome each submitted an affidavit dated July 31, 2019, executed by Steve Snider, Vice President of Nuclear Engineering, Duke Energy Carolinas; and Philip A Opsal, Manager, Product Licensing, for Framatome Inc., respectively, 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 for Oconee Nuclear Station, Units 1, 2, and 3:

> Attachment 4, "Thermal-Hydraulic Models for High Energy Line Break Transient Analysis [Proprietary]," of the letter dated August 28, 2019 (ADAMS Accession No. ML19240A818).

Attachment 5 of letter dated August 28, 2019 (ADAMS Accession No. ML19242C728), contains a non-proprietary version of Attachment 4.

The Duke Energy affidavit dated July 31, 2019, stated in Attachment 7, that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

4(vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke Energy.

(a) Duke Energy uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.

(b) Duke Energy can sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the operation and licensing of nuclear power plants.

(c) The subject information could only be duplicated by competitors at similar expense that incurred by Duke Energy.

The Framatome affidavit dated July 31, 2019, stated in Attachment 8, that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

6 The following criteria are customarily applied by Framatome Inc. to determine whether information should be classified as proprietary:

(b) 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.

(c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results I a competitive advantage for Framatome Inc.

(d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome Inc. in product optimization or marketability.

(e) The information is vital to a competitive advantage held by Framatome Inc., would be helpful to competitors to Framatome Inc., and would likely cause substantial harm to the competitive position of Framatome Inc.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the submittal in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavit, has determined that the submitted information sought to be withheld (i.e., Attachment 4) contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information 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, the NRC may send copies of this information to its consultants. The NRC will ensure that its 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, the licensee should promptly notify the NRC. The NRC may revisit this determination in the future if, for example, the scope of a Freedom of Information Act request includes this information. The NRC will notify the licensee in advance of any public disclosure if the NRC makes such a determination.

If you have any questions regarding this matter, please contact me at (301) 415-0489 or Audrey.Klett@nrc.gov.

Sincerely,

/RA/

Audrey Klett, 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: Mr. Steve Snider
Vice President, Nuclear Engineering
Duke Energy Carolinas
7800 Rochester Highway
Seneca, SC 29672-0752

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