



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

March 11, 2022

Mr. Steven M. Snider
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 REGARDING THE SUBSEQUENT LICENSE RENEWAL APPLICATION (EPID NO. L-2021-SLR-0000)

Dear Mr. Snider:

By letter dated June 7, 2021 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML21158A193), as supplemented by letters dated October 22, 2021 (ADAMS Accession No. ML21295A035), October 28, 2021 (ADAMS Accession No. ML21302A208), November 11, 2021 (ADAMS Accession No. ML21315A012), December 2, 2021 (ADAMS Accession No. ML21336A001), December 15, 2021 (ADAMS Accession No. ML21349A005), December 17, 2021 (ADAMS Accession No. ML21351A000), January 7, 2022 (ADAMS Accession No. ML22066A771), January 21, 2022 (ADAMS Accession No. ML22021A000), February 14, 2022 (ADAMS Accession No. ML22066A773), and February 21, 2022 (ADAMS Accession No. ML22052A002), Duke Energy Carolinas, LLC (Duke Energy or applicant) submitted an application for the subsequent license renewal of Renewed Facility Operating License Nos. DPR-38, DPR-47 and DPR-55 for Oconee Nuclear Station (ONS), Units 1, 2, and 3 to the U.S. Nuclear Regulatory Commission (NRC or staff), per Title 10 of the *Code of Federal Regulations* (10 CFR) Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." In the letter dated October 28, 2021, Attachment 1, "Resolution of Administrative Discrepancies," Duke Energy corrected typographical errors in relation to the titles of information below.

As part of the application, Duke Energy submitted three affidavits dated May 6, 2021, May 14, 2021, and May 18, 2021, executed by you and Philip A. Opsal, Manager, Product Licensing for Framatome Inc. (formally known as AREVA Inc.), where Duke Energy requested that the information contained in the following documents be withheld from public disclosure pursuant to 10 CFR Part 2, Section 2.390:

- Framatome Topical Report ANP 3898 Proprietary (P), Revision 0, "Framatome Reactor Vessel and RCP TLAA and Aging Management Review Input to the ONS SLRA," affidavit executed by Philip A. Opsal on May 6, 2021

- Framatome Topical Report ANP 3899P, Revision 0, "Framatome Reactor Vessel Internals TLAA Input to the ONS SLRA," affidavit executed by Philip A. Opsal on May 6, 2021
- SLR-ONS-TLAA-0306P, Revision 0, "Environmentally-Assisted Fatigue, Oconee Subsequent License Renewal Application, Supplemental Section 4.3.4, Revision 0 referred to herein as "Document,"" affidavits executed by Philip A. Opsal on May 14, 2021 and Steve Snider on May 18, 2021

Non-proprietary copies of Framatome Topical Report ANP 3898NP, Revision 0, and Framatome Topical Report, ANP 3899NP, Revision 0, and SLR-ONS-TLAA-0306NP, Revision 0 have been added to the NRC Library in the Agencywide Documents Access and Management System (ADAMS Accession No. ML21158A200).

The affidavits stated that the submitted information should be considered exempt from mandatory disclosure for the following reasons:

Philip A. Opsal - Framatome Topical Reports ANP 3898P and ANP 3899P

5. "These Documents have been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in these Documents be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."
6. "The following criteria are customarily applied by Framatome to determine whether information should be classified as proprietary:
 - (a) The information reveals details of Framatome's research and development plans and programs or their results.
 - (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditure, 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 in a competitive advantage for Framatome.
 - (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.
 - (e) The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome."

Philip A. Opsal - SLR-ONS-TLAA-0306P

5. "This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."
6. "The following criteria are customarily applied by Framatome to determine whether information should be classified as proprietary:
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 - (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for Framatome.
 - (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for Framatome in product optimization or marketability.
 - (e) The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome."

Steve Snider - SLR-ONS-TLAA-0306P-NP, Revision 0

4. "Pursuant to 10 CFR 2.390(b)(4), the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned by Duke Energy and has been held in confidence by Duke Energy and its consultants.
 - (ii) The information is of a type that would customarily be held in confidence by Duke Energy. Information is held in confidence if it falls in one or more of the following categories.
 - (a) The information requested to be withheld reveals distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by a vendor or consultant, without a license from Duke Energy, would constitute a competitive advantage to that vendor or consultant.

- (b) The information requested to be withheld consist of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), and the application of the data secures a competitive economic advantage for example by requiring the vendor or consultant to perform test measurements, and process and analyze the measured test data.
- (c) Use by a competitor of the information requested to be withheld would reduce in the competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation assurance of quality or licensing of a similar product.
- (d) The information requested to be withheld reveals cost or price information, productive capacities, budget levels or commercial strategies of Duke Energy or its customers or suppliers.
- (e) The information requested to be withheld reveals aspects of the Duke Energy funded (either wholly or as part of a consortium) development plans or programs of commercial value to Duke Energy.
- (f) The information requested to be withheld consists of patentable ideas.”

The NRC staff noted that SLR-ONS-TLAA-0306P-NP, Revision 0, was sought to be withheld in its entirety, and appeared to include the non-proprietary version. The applicant stated the following reason:

“The information in this submittal is held in confidence for the reasons set forth in paragraphs 4(ii)(a), 4(ii)(b), and 4(ii)(c) above. Rationale for this declaration is the use of this information by Duke Energy provides a competitive advantage to Duke Energy over vendors and consultants, its public disclosure would diminish the information's marketability, and its use by a vendor or consultant would reduce their expenses to duplicate similar information. The information consist of analysis methodology details that provides a competitive advantage to Duke Energy. . .

- (v) The proprietary information sought to be withheld is that which is marked in Table 4.3.4-1 of Attachment 3 to Enclosures 4 and 5 of the Oconee Subsequent License Renewal submittal. This information enables Duke Energy to support the Oconee Subsequent License Renewal Application.”

After reviewing the information in Table 4.3.4-1, “Sentinel Locations,” of Attachment 3 to Enclosures 4 (non-proprietary) and 5 (proprietary) of the application, the NRC staff noted that the proprietary information in Table 4.3.4-1 had been removed from the non-proprietary version of the report, SLR-ONS-TLAA-0306-NP. Thus, SLR-ONS-TLAA-0306-NP should not be withheld from public release because it does not contain proprietary information. The NRC staff has made SLR-ONS-TLAA-0306-NP publicly available in ADAMS Accession No. ML21158A200.

The NRC staff has 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, with the exception of SLR-ONS-TLAA-0306-NP, which does not contain proprietary information.

Therefore, only the versions 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 staff may send copies of this information to its consultants working in this area. The NRC staff 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 NRC. You also should understand that the NRC may have cause to review this determination in the future if, for example, 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 on this matter, please contact me via e-mail at Angela.Wu@nrc.gov.

Sincerely,



Signed by Wu, Angela
on 03/11/22

Angela Wu, Project Manager
License Renewal Projects Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

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

cc: Listserv

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