



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

September 19, 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 – DUKE ENERGY LETTER DATED FEBRUARY 14, 2022 (RESPONSES TO REQUEST FOR ADDITIONAL INFORMATION) (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 (ML21295A035), October 28, 2021 (ML21302A208), November 11, 2021 (ML21315A012), December 2, 2021 (ML21336A001), December 15, 2021 (ML21349A005), December 17, 2021 (ML21351A000), January 7, 2022 (ML22010A129), January 21, 2022 (ML22021A000), February 14, 2022 (ML22045A021), February 21, 2022 (ML22052A002), March 22, 2022 (ML22081A027), March 31, 2022 (ML22090A046), April 20, 2022 (ML22110A207), April 22, 2022 (ML22112A016), May 11, 2022 (ML22131A023), May 20, 2022 (ML22140A016), May 27, 2022 (ML22147A001), June 7, 2022 (ML22158A028), June 8, 2022 (ML22159A151), July 8, 2022 (ML22189A008), July 25, 2022 (ML22206A005), and September 2, 2022 (ML22245A008), 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."

By letter dated January 11, 2022 (ML22012A039), the NRC staff issued request for additional information (RAI) Set 2. In the letter dated February 14, 2022, "Responses to NRC Request for Additional Information Set 2," Enclosure 1, Duke Energy provided responses to the RAIs to support completion of the safety review.

As part of the letter dated February 14, 2022, Duke Energy submitted two affidavits dated February 4, 2022, and February 7, 2022, 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 be withheld from public disclosure pursuant to 10 CFR Part 2, Section 2.390:

- Enclosure 1, Attachments 14P, 15P, 25P, 27P, 28P, 29P, 30P, 31P, 32P, 42P and 43P, affidavit executed by Philip A. Opsal on February 7, 2022
- Enclosure 1, Attachment 28, RAI 3.5.2.2.2.6-4, affidavit executed by Steve Snider on February 4, 2022

A non-proprietary copy of Duke Energy's letter dated February 14, 2022, "Responses to NRC Request for Additional Information Set 2," Enclosure 1, has been added to the NRC Library (ML22045A021).

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

Philip A. Opsal – Framatone Affidavit (Enclosure 1, Attachments 14P, 15P, 25P, 27P, 28P, 29P, 30P, 31P, 32P, 42P and 43P)

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:
 - (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."

Steve Snider – Duke Energy Affidavit (Enclosure 1, Attachment 28, RAI 3.5.2.2.2.6-4)

4. "Pursuant to the provisions of paragraph (b) (4) of 10 CFR 2.390, 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 economic 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 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, production 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 “Responses to NRC Request for Additional Information (RAI) Set 2,” Enclosure 1, Attachment 28, RAI 3.5.2.2.2.6-4 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 consists 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 Enclosure 1, Attachment 28, RAI 3.5.2.2.2.6-4 of the Oconee Subsequent License Renewal Application Responses to NRC Request for Additional Information Set 2 (Duke Energy letter dated February 14, 2022, Serial number RA-22-0036). This information enables Duke Energy to support the Oconee Subsequent License Renewal Application.”

After reviewing the information in Attachments 28 and 28P, the response to RAI 3.5.2.2.2.6-4, of Enclosure 1, the NRC staff noted that the proprietary information in Attachment 28 had been removed from the non-proprietary version of the RAI response. Thus, Attachment 28 should not be withheld from public release because it does not contain proprietary information. The NRC staff has made Attachment 28 publicly available (ML22045A021).

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 Attachment 28 of Enclosure 1, 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 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 09/19/22

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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DATED: SEPTEMBER 19, 2022

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