



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

September 14, 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 JANUARY 7, 2022 (RESPONSES TO REQUESTS 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 November 23, 2021 (ML21327A277), the NRC staff issued request for additional information (RAI) Set 1 and Second Round RAI B2.1.27-1a. In the letter dated January 7, 2022, "Responses to NRC Request for Additional Information Set 1 and Second Round Request for Additional Information B2.1.27-1a," Enclosure 1, Duke Energy provided responses to the RAIs to support completion of the safety review.

As part of the letter dated January 7, 2022, Duke submitted two affidavits dated May 6, 2021, and December 14, 2021, executed by Philip A. Opsal, Manager, Product Licensing for Framatome Inc. (formally known as AREVA Inc.), and Mario Gogic, Manager, Component Engineering of BWXT Canada Ltd. ("BWXT"), where Duke Energy requested that the information cited in Enclosure 1, Attachments 15P, 17P, and 18P be withheld from public disclosure pursuant to 10 CFR Part 2, Section 2.390, "Public inspections, exemptions, requests for withholding":

- Framatone Document ANP-3898P, 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 (Enclosure 1, Attachment 15P and 18P)
- Framatone Document ANP-3899P, Revision 0, “Framatone Reactor Vessel Internals TLAA Input to the ONS SLRA,” affidavit executed by Philip A. Opsal on May 6, 2021 (Enclosure 1, Attachment 15P and 18P)
- BWXT information in Enclosure 1, Attachment 17P, affidavit executed by Mario Gogic on December 14, 2021

A non-proprietary copy of Duke’s letter dated January 7, 2022, “Responses to NRC Request for Additional Information Set 1 and Second Round Request for Additional Information B2.1.27-1a,” has been added to the NRC Library (ML22010A129).

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

Philip A. Opsal – Affidavit for Framatone, Inc. (Enclosure 1, Attachments 15P and 18P)

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.”

Mario Gogic – Affidavit for BWXT Canada Ltd (Enclosure 1, Attachment 17P)

4. “Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission’s regulations, the following is furnished for consideration by the Commission 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 and has been held in confidence by BWXT.
- (ii) The information is of a type customarily held in confidence by BWXT and not customarily disclosed to the public. BWXT has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes BWXT policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follow:

- (a) The information reveals the distinguishing aspects of a process, component, structure, tool, method, etc., where prevention of its use by any of BWXT’s competitors without license from BWXT constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce its expenditure of resources or improve its competitive position in the design, manufacture, shipment, installation, quality assurance, or licensing of a similar product.
- (d) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the BWXT system which include the following:

- The use of such information by BWXT gives BWXT a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect BWXT’s competitive advantage.

- It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the B&W ability to sell products and services involving the use of such information.
- Use by a competitor of BWXT would put BWXT at a competitive disadvantage by reducing the competitor's expenditure of resources at BWXT's expense.
- BWXT's capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage."

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 affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, 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 our 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, 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.

If you have any questions on this matter, please contact me via email at [Angela.Wu@nrc.gov](mailto:Angela.Wu@nrc.gov).

Sincerely,



Signed by Wu, Angela  
on 09/14/22

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 14, 2022

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