



J. Ed Burchfield, Jr.  
Vice President  
Oconee Nuclear Station

RA-19-0086

10 CFR 50.90

Duke Energy  
ON01VP / 7800 Rochester Hwy  
Seneca, SC 29672

January 24, 2019

o: 864.873.3478  
f: 864.873.4208

Ed.Burchfield@duke-energy.com

ATTN: Document Control Desk  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Subject: Duke Energy Carolinas, LLC  
Oconee Nuclear Station (ONS), Units 1, 2, and 3  
Docket Numbers 50-269, 50-270, and 50-287  
Renewed Facility Operating License Nos. DPR-38, DPR-47, and DPR-55

Proposed Amendment to the Renewed Facility Operating Licenses Regarding  
Revisions to the Updated Final Safety Analysis Report Sections Associated with  
the Oconee Tornado Licensing Basis  
License Amendment Request No. 2018-02

References:

1. Letter to the U. S. Nuclear Regulatory Commission from J. Ed Burchfield, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Proposed Amendment to the Renewed Facility Operating Licenses Regarding Revisions to the Updated Final Safety Analysis Report Sections Associated with the Oconee Tornado Licensing Basis," dated September 14, 2018 (Accession Number ML18264A018).
2. Letter to the U. S. Nuclear Regulatory Commission from Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "License Amendment Request to Revise Portions of the Updated Final Safety Analysis Report Related to the Tornado Licensing Basis," dated June 26, 2008 (Accession Number ML081840371).
3. Letter to the U.S. Nuclear Regulatory Commission from Thomas D. Ray, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Revision to Tornado/HELB Mitigation Strategies and Regulatory Commitments," dated November 15, 2017 (Accession Number ML17333A120).
4. Letter to the U.S. Nuclear Regulatory Commission from Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Responses to Request for Additional Information for the License Amendment Request to Revise Portions of the Updated Final Safety Analysis Report Related to the Tornado Licensing Basis," dated September 2, 2009 (Accession Number ML092520189).
5. Letter to the U.S. Nuclear Regulatory Commission from Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Responses to Request for Additional Information for the License Amendment Request to Revise Portions of the Updated Final Safety Analysis Report Related to the Tornado Licensing Basis," dated May 6, 2010.

A053  
NRR

6. Letter to the U.S. Nuclear Regulatory Commission from Richard Freudenberger for Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Request for Additional Information Regarding the License Amendment Request for Upgrading the Licensing Basis for Tornado Mitigation," dated June 10, 2010 (Accession Number ML101690093).
7. Letter to the U.S. Nuclear Regulatory Commission from Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Tornado Mitigation License Amendment Request – Response to Request for Additional Information," dated June 24, 2010 (Accession Number ML101830011).
8. Letter to the U.S. Nuclear Regulatory Commission from Dave Baxter, Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Tornado Mitigation License Amendment Request – Response to Request for Additional Information," dated August 31, 2010 (Accession Number ML102460015).
9. Letter to the U.S. Nuclear Regulatory Commission from T. Preston Gillespie, Jr., Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "High Energy Line Break License Amendment Request (LAR) – Response to Request for Additional Information," dated December 7, 2010 (Accession Number ML103470388).
10. Letter to the U.S. Nuclear Regulatory Commission from T. Preston Gillespie, Jr., Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Tornado and High Energy Line Break (HELB) Mitigation License Amendment Requests (LARs) – Responses to Request for Additional Information," dated December 16, 2011 (Accession Numbers ML12003A070, ML12003A063, ML12003A065, ML12003A067, ML12003A068, and ML12003A069.).
11. Letter to the U.S. Nuclear Regulatory Commission from T. Preston Gillespie, Jr., Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Tornado and High Energy Line Break (HELB) Mitigation License Amendment Requests (LARs) – Supplemental Responses to Request for Additional Information (RAI) Nos. 61, 62, and 107," dated January 20, 2012 (Accession Number ML12025A124).
12. Letter to the U.S. Nuclear Regulatory Commission from T. Preston Gillespie, Jr., Vice President, Oconee Nuclear Station, Duke Energy Carolinas, LLC, "Tornado and High Energy Line Break Mitigation License Amendment Requests – Supplemental Responses to Request for Additional Information (RAI) Nos. 70, 76, and 106," dated March 1, 2012 (Accession Number ML12080A199).

Pursuant to 10 CFR 50.90, Duke Energy Carolinas, LLC (Duke Energy) submitted an amendment dated September 14, 2018 (Reference 1), to Renewed Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55 for Oconee Nuclear Station (ONS) Units 1, 2, and 3. The License Amendment Request (LAR) proposes to revise the ONS Updated Final Safety Analysis Report (UFSAR) regarding the tornado licensing basis (LB).

In a call on December 14, 2018, the ONS Nuclear Regulatory Commission (NRC) project manager requested corrections regarding the attachments referred to in the affidavits presently located in Attachments 8 and 9 of Reference 1. The NRC project manager also requested that ONS provide clarification on which documentation submitted prior to Reference 1 should be superseded. This document will provide the correction and clarification requested.

Attachment 5 of Reference 1 described the T-H codes and models used to perform analysis of SSF mitigated tornado scenarios in support of the LAR. Within Attachment 5, proprietary

information is identified by brackets. In accordance with 10 CFR 2.390, Duke Energy requested that the information be withheld from public disclosure. Attachment 6 contained the non-proprietary (redacted) version of this content.

Attachments 8 and 9 of Reference 1 contain Affidavits attesting to the proprietary nature of the information provided in Attachment 5. The proprietary information is owned by Duke Energy and Framatome and is annotated as such. The annotated information has substantial commercial value that provides a competitive advantage.

The Duke Energy Affidavit contained in Attachment 8 of Reference 1 erroneously requests that Attachments 5 and 6 be withheld from public disclosure. Attachment 5 is the only attachment that is required to be withheld from public disclosure. Attachment 6 is redacted and therefore can be disclosed to the public. A revised affidavit is provided in Attachment 1 of this letter and can be used to replace the original Duke Energy Affidavit provided in Reference 1.

The Framatome Affidavit contained in Attachment 9 of Reference 1 points to Attachment 1 instead of Attachment 5. The proprietary information is contained in Attachment 5 of Reference 1. A revised affidavit is provided in Attachment 2 of this letter and can be used to replace the original Framatome Affidavit provided in Reference 1.

Reference 1 supersedes the previous tornado LAR dated June 26, 2008 (Reference 2) and its associated tornado documentation with exceptions. The supplemental letters included are dated September 2, 2009 (Reference 4); May 6, June 10, June 24, August 31, and December 7, 2010 (References 5, 6, 7, 8, and 9, respectively); December 16, 2011 (Reference 10); January 20 and March 1, 2012 (References 11 and 12 respectively) and were provided to address requests for additional information (RAI) concerning tornado. The exceptions involve the responses in these same letters that contain information regarding Fiber Reinforced Polymer, Protected Service Water, and High Energy Line Break. The information concerning those topics is still valid for the review and approval.

A series of tornado/HELB mitigation strategies and regulatory commitment letters have been submitted over the years. These letters were re-baselined and submitted in a letter dated November 15, 2017 (Reference 3) and are being incorporated into the new tornado/HELB submittals. This letter does not address that history.

Duke Energy requests approval of the Tornado LAR by December 31, 2020 with an implementation period in accordance with completion dates identified in Reference 1.

These affidavit corrections do not affect the conclusions of the No Significant Hazards Consideration provided in Reference 1.

Inquiries on this proposed amendment request should be directed to Timothy D. Brown, ONS Regulatory Projects Group, at (864) 873-3952.

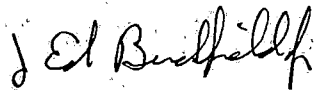
U. S. Nuclear Regulatory Commission

January 24, 2019

Page 4

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
January 24, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "J Ed Burchfield Jr". The signature is written in a cursive, flowing style.

J. Ed Burchfield, Jr.

Vice President

Oconee Nuclear Station

Attachments: 1. Revised Duke Energy Affidavit  
2. Revised Framatome Affidavit

U. S. Nuclear Regulatory Commission

January 24, 2019

Page 5

cc w/enclosure and attachments:

Ms. Catherine Haney, Administrator, Region II  
U.S. Nuclear Regulatory Commission  
Marquis One Tower  
245 Peachtree Center Ave., NE, Suite 1200  
Atlanta, GA 30303-1257

Ms. Audrey Klett, Project Manager  
(by electronic mail only)  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Mail Stop O-8G9A  
11555 Rockville Pike  
Rockville, Maryland 20852

Mr. Eddy Crowe  
NRC Senior Resident Inspector  
Oconee Nuclear Station

Ms. Susan E. Jenkins, Manager,  
(by electronic mail only: [jenkinse@dhec.sc.gov](mailto:jenkinse@dhec.sc.gov))  
Infectious and Radioactive Waste Management,  
Bureau of Land and Waste Management  
Department of Health & Environmental Control  
2600 Bull Street  
Columbia, SC 29201

## **ATTACHMENT 1**

### **Revised Duke Energy Affidavit**

### **AFFIDAVIT OF JOSEPH DONAHUE**

1. I am Vice President of Nuclear Engineering, Duke Energy Corporation, and as such have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear plant licensing and am authorized to apply for its withholding on behalf of Duke Energy.
2. I am making this affidavit in conformance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke Energy's application for withholding which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke Energy in designating information as proprietary or confidential. I am familiar with the Duke Energy information contained in Attachment 5 of Oconee License Amendment request 2018-02 which proposes to update the Updated Final Safety Analysis Report (UFSAR) regarding tornado licensing basis.
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 information in this submittal is held in confidence for the reasons set forth in paragraphs 4(ii)(a) 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.

(iii) The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.

(iv) The information sought to be protected is not available in public to the best of our knowledge and belief.

(v) The proprietary information sought to be withheld is that which is marked in Attachment 5 of Oconee License Amendment request 2018-02 which proposes to update the Updated Final Safety Analysis Report (UFSAR) regarding tornado licensing basis. This information enables Duke Energy to support license amendment requests for Oconee.

(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 to that incurred by Duke Energy.

5. Public disclosure of this information is likely to cause harm to Duke Energy because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing Duke Energy to recoup a portion of its expenditures or benefit from the sale of the information.

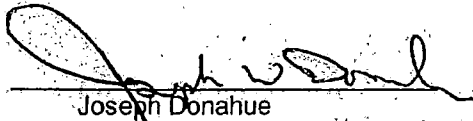
Joseph Donahue affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.



License Amendment Request No. 2018-02  
Attachment 8 - Duke Energy Affidavit

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2019.



Joseph Donahue

## **ATTACHMENT 2**

### **Revised Framatome Affidavit**

## AFFIDAVIT

COMMONWEALTH OF VIRGINIA   )  
  ) ss.  
CITY OF LYNCHBURG               )

1. My name is Gayle Elliott. I am Deputy Director, Licensing & Regulatory Affairs, for Framatome Inc. (Framatome) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by Framatome to determine whether certain Framatome information is proprietary. I am familiar with the policies established by Framatome to ensure the proper application of these criteria.

3. I am familiar with the Framatome information contained in Attachment 5 to Duke Energy Carolinas, LLC letter for Oconee Nuclear Station (ONS), Units 1, 2, and 3, Docket Numbers 50-269, 50-270, and 50-287, Renewed Facility Operating License Nos. DPR-38, DPR-47, DPR-55, with Subject, "Proposed Amendment to the Renewed Facility Operating Licenses Regarding Revisions to the Updated Final Safety Analysis Report Section Associated with the Oconee Tornado Licensing Basis, License Amendment No. 2018-02," ONS-2018-02. The attachment is entitled "Thermal-Hydraulic Models for Standby Shutdown Facility Transient Analysis," and referred to herein as "Document." Information contained in this Document has been classified by Framatome as proprietary in accordance with the policies established by Framatome for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

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 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 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.

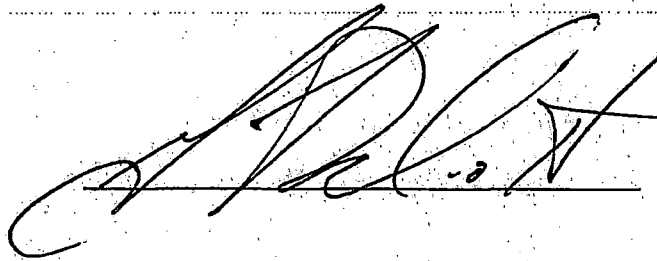
The information in this Document is considered proprietary for the reasons set forth in paragraphs 6(d) and 6(e) above.

7. In accordance with Framatome's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on

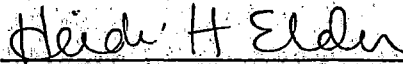
a limited basis, to others outside Framatome only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. Framatome policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.



SUBSCRIBED before me this 16<sup>th</sup>  
day of January, 2019.



Heidi Elder  
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES: 12/31/2022  
Reg. # 7777873

