



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

July 29, 2020

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 June 15, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20168A980), Duke Energy Carolinas, LLC (the licensee) submitted an affidavit dated June 3, 2020, executed by Steve Snider, Vice President of Nuclear Engineering, Duke Energy Carolinas, 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:

Enclosure 3 of the Oconee responses (correspondence no. RA-20-0170 [letter dated June 15, 2020]) to the Requests for Additional Information (RAI) issued by the Office of Nuclear Reactor Regulation.

The Duke Energy affidavit dated June 3, 2020, stated in Attachment 1 of letter dated June 15, 2020, that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

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 NRG in confidence and under the provisions of 10 GFR 2.390, it is to be received in confidence by the NRG.
- (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 in the RAI response is that which is marked by brackets in the responses to the RAIs in Enclosure 3. These are responses to the RAIs for the Oconee License Amendment request which proposes to update the Updated Final Safety Analysis Report (UFSAR) regarding the High Energy Line Break (HELB) licensing basis. This information is consistent with marked proprietary information in the NRG-approved Duke Energy methodology reports DPC-NE-3000-PA, DPC-NE-3003-PA, and DPC-NE-3005- PA. This information enables Duke Energy to:

- (a) Support license amendment requests for its Oconee reactors.
 - (b) Perform transient and accident analysis calculations 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.

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) 415-3867 or Michael.Mahoney@nrc.gov.

Sincerely,

/RA/

Michael Mahoney, Project Manager
Plant Licensing Branch II-2
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

Additional Distribution via Listserv

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Ahsan Sallman, NRR/DSS

ADAMS Accession No. ML20209A408***Via e-mail**

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