



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

December 6, 2021

Mr. Shawn Gibby
Vice President
Nuclear Engineering
Duke Energy Carolinas, LLC
526 South Church Street, EC-07H
Charlotte, NC 28202

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, AND MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID L-2021-LLA-0198)

Dear Mr. Gibby:

By letter dated October 25, 2021, Duke Energy Carolinas, LLC (Duke Energy) submitted an affidavit dated October 25, 2021, executed by yourself, requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Change Description and Technical Justification for Revision 1 of DPC-NE-1007-P
(Proprietary)

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System (ADAMS), Accession No. ML21298A133.

The affidavit stated that the submitted information should be withheld from 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 Attachment 2 of Duke Energy letter RA-19-0245 is held in confidence for the reasons set forth in paragraphs 4(ii)(a) or 4(ii)(c) above. The category for all proprietary information is identified next to the right proprietary bracket. Rationale for holding this information in confidence is that public disclosure of this information would provide a competitive advantage if the information was used by vendors or consultants without a license from Duke Energy. Public disclosure of this information 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, analysis results, supporting data, and aspects of development programs, relative to a method of analysis that provides a competitive advantage to Duke Energy.

- (iii) The information was transmitted to the NRC in confidence and under the provisions of 10 CRF 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 2 of Duke Energy letter RA-19-0245 regarding request to approve DPC-NE-1007-P, Revision 1. This information enables Duke Energy to:
 - (a) Support license amendment requests and reload calculations for its Catawba and McGuire reactors.
 - (b) Conditionally Exempt the EOC MTC Measurement required by Technical Specification Surveillance Requirement 3.1.3.2.

- (vi) The proprietary information sought to be withheld from public disclosures 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.

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

Therefore, the version(s) 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, we may send copies of this information to our consultants working in this area. We 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, 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.

S. Gibby

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If you have any questions, please contact me at (301) 415-0615 or by e-mail at Zackary.Stone@nrc.gov.

Sincerely,

Zackary R. Stone, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos: 50-369, 50-370, 50-413, and 50-414

cc: Listserv

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