

May 18, 2001

Mr. W. R. McCollum, Jr.
Vice President, Oconee Site
Duke Energy Corporation
P. O. Box 1439
Seneca, SC 29679

SUBJECT: OCONEE NUCLEAR STATION, UNIT 2 RE: REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB1835)

Dear Mr. McCollum:

By your letter dated May 2, 2001, and affidavit dated May 2, 2001, executed by Mr. Raymond W. Ganthner of Framatome ANP, Inc. (FRA-ANP), you submitted a relief request for Oconee Nuclear Station, Unit 2 addressing the use of Alloy 690 type filler material to repair crack indications that have been found in certain control rod drive mechanism nozzles and welds. A portion of the submittal contained information that you requested be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. You also submitted a nonproprietary copy of this document, which has been placed in the NRC's public document room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and added to the Agency-wide Documents Access and Management Systems Publically Available Records system (ADAMS PARS Library).

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

- a. The information reveals data or material concerning FRA-ANP research or development plans or programs of present or potential competitive advantage to FRA-ANP.
- b. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
- c. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to FRA-ANP.
- d. The information reveals special aspects of a process, method component or the like, the exclusive use of which results in a competitive advantage to FRA-ANP.
- e. The information contains ideas for which patent protection may be sought.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, 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 2.790(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.

Sincerely,

/RA/

David E. LaBarge, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-270

cc: See next page

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

Sincerely,

/RA/

David E. LaBarge, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-270

cc: See next page

DISTRIBUTION:

Docket File
PUBLIC
PDII-1 R/F
JZwolinski/SBlack
MPSiemien, OGC

DOCUMENT NAME: C:\PROMB1835.wpd

To receive a copy of this document, indicate in the box C=Copy w/o attachment/enclosure

E=Copy with attachment/enclosure N = No copy

*See Previous Concurrence

OFFICE	PDII-1/PM		PDII-1/LA		OGC*		PDII-1/SC	
NAME	DLaBarge		CHawes		MPSiemien		REmch	
DATE	5/14/2001		5/14/2001		05/09/2001		5/17/2001	

OFFICIAL RECORD COPY

Oconee Nuclear Station

cc:

Ms. Lisa F. Vaughn
Legal Department (PBO5E)
Duke Energy Corporation
422 South Church Street
Charlotte, North Carolina 28201-1006

Anne W. Cottingham, Esquire
Winston and Strawn
1400 L Street, NW
Washington, DC 20005

Manager, LIS
NUS Corporation
2650 McCormick Drive, 3rd Floor
Clearwater, Florida 34619-1035

Senior Resident Inspector
U. S. Nuclear Regulatory
Commission
7812B Rochester Highway
Seneca, South Carolina 29672

Virgil R. Autry, Director
Division of Radioactive Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental
Control
2600 Bull Street
Columbia, South Carolina 29201-1708

Mr. Michael A. Schoppman
Framatome ANP
1911 North Ft. Myer Drive
Suite 705
Rosslyn, VA 22209

Mr. L. E. Nicholson
Compliance Manager
Duke Energy Corporation
Oconee Nuclear Site
7800 Rochester Highway
Seneca, South Carolina 29672

Ms. Karen E. Long
Assistant Attorney General
North Carolina Department of
Justice
P. O. Box 629
Raleigh, North Carolina 27602

Mr. C. Jeffrey Thomas
Manager - Nuclear Regulatory
Licensing
Duke Energy Corporation
526 South Church Street
Charlotte, North Carolina 28201-1006

Mr. Richard M. Fry, Director
Division of Radiation Protection
North Carolina Department of
Environment, Health, and
Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721

Mr. Peter R. Harden, IV
VP-Customer Relations and Sales
Westinghouse Electric Company
5929 Carnegie Blvd.
Suite 500
Charlotte, North Carolina 28209