

June 6, 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. MB1896)

Dear Mr. McCollum:

By application dated May 12, 2001, and affidavit dated May 11, 2001, executed by Mr. Raymond W. Ganthner of Framatome ANP, Inc. (FRA-ANP), you submitted a letter titled, "A Request to use an Alternative to ASME [American Society of Mechanical Engineers] Boiler and Pressure Vessel Code, Section XI in accordance with 10 CFR 50.55a(a)(3)(ii), (RR 01-07, Revision 1)" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. You also supplied 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 because it meets the following criteria:

- 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

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/RA/

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

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Oconee Nuclear Station

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