June 15, 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. MB1895)

Dear Mr. McCollum:

By application dated May 15, 2001, and supplement dated May 22, 2001, and affidavits dated May 15 and 21, 2001, respectively, both being executed by Mr. Raymond W. Ganthner of Framatome ANP, Inc. (FRA-ANP), you submitted Revision 1 and 2 of letters titled, "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-01-06)" and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. You also supplied a nonproprietary copy of the documents, which have 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 applications 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 versions 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:
PUBLIC
PDII-1 R/F
JZwolinski/SBlack
HBerkow
REmch
DLaBarge
CHawes
MPSiemien, OGC
LPlisco, RII

Accession Number: ML011650759

OFFICE	PDII-1/PM		PDII-1/LA		OGC		PDII-1/SC	
NAME	DLaBarge		CHawes		RAB for MPSiemien		REmch	
DATE	06/01/01		06/01/01		06/13/01		06/14/01	

OFFICIAL RECORD COPY

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

Mr. Henry Porter, 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