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M. S. Tuckman  
Executive Vice President  
Nuclear Generation

August 15, 2002

U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Subject: Duke Energy Corporation  
McGuire and Catawba Nuclear Station Units 1 & 2  
Topical Report DPC-NE-1005P, Nuclear Design Methodology Using  
CASMO-4/SIMULATE-3 MOX, Request for Withholding

On May 23, 2002 Duke Energy (Duke) representatives met with the Nuclear Regulatory Commission staff to discuss the subject topical report. The presentation materials used in this meeting contained proprietary information. In particular, Tabs 5 through 8 of the presentation booklet contain material that is proprietary to Duke. The specific proprietary material was identified in my letter to the NRC dated May 15, 2002 that transmitted draft presentation materials, which were identical to those actually used in the May 23, 2002 meeting.

In accordance with 10 CFR 2.790, Duke requests that the proprietary presentation materials identified above be withheld from public disclosure. An affidavit is attached that attests to the proprietary nature of the information in these materials.

Please contact G.A. Copp at (704) 373-5620 if there are any questions on this matter.

*M. S. Tuckman*

M. S. Tuckman

Attachment

cc:  
Chandu P. Patel (Addressee only)  
NRC Project Manager  
U.S. Nuclear Regulatory Commission  
Mail Stop O-8 H-12  
Washington, DC 20555-0001

A001

AFFIDAVIT OF M. S. TUCKMAN

- (a) I am Executive Vice President of Duke Energy Corporation, and as such have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear plant licensing and am authorized to apply for its withholding on behalf of Duke.
- (b) I am making this affidavit in conformance with the provisions of 10 CFR 2.790 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding which accompanies this affidavit.
- (c) I have knowledge of the criteria used by Duke in designating information as proprietary or confidential.
- (d) Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.790, 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 and has been held in confidence by Duke and its consultants.
- (ii) The information is of a type that would customarily be held in confidence by Duke. 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.
- (iii) The information is being provided to the NRC in confidence and under the provisions of 10 CFR 2.790, 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 contained in the presentation materials used in the May 23, 2002 meeting with the NRC staff related to the report DPC-NE-1005, *Nuclear Design Methodology Using CASMO-4/SIMULATE-3 MOX*. This information enables Duke to:
- (a) Support license amendment and Technical Specification revision requests for its McGuire and Catawba reactors.
- (b) Perform nuclear design calculations on McGuire and Catawba reactor cores containing low enriched uranium fuel.
- (c) Perform nuclear design calculations on future planned McGuire and Catawba reactor cores containing a mixture of low enriched uranium and mixed oxide fuels.

M. S. Tuckman

M. S. Tuckman

(Continued)

(vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke.

(a) Duke uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.

(b) Duke 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.

5. Public disclosure of this information is likely to cause harm to Duke 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 to recoup a portion of its expenditures or benefit from the sale of the information.

M. S. Tuckman, being duly sworn, on his oath deposes and says that he is the person who subscribed his name to the foregoing statement, and that the matters and facts set forth in the statement are true.

M. S. Tuckman

M. S. Tuckman

Sworn to and subscribed before me this 16<sup>TH</sup> day of August, 200~~1~~<sup>2</sup> F.M.P.N.  
Witness my hand and official seal.

Mary F. Nelms

Notary Public

My commission expires: JAN 22, 2006

