



Duke Energy Corporation

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H. B. Barron  
Vice President

October 3, 2002

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

Subject: McGuire Nuclear Station, Unit 1  
Docket No. 50-369  
10 CFR 50 Appendix R Deviation Request

Consistent with Generic Letter (GL) 86-10, McGuire Nuclear Station is requesting a deviation from the guidelines of 10 CFR 50 Appendix R. Specifically, in lieu of the alternatives provided in Sections III.G.2 and III.G.3 of Appendix R, this request proposes the use of fire resistive Appendix R electrical cable manufactured by Meggitt Safety Systems Inc to separate cables associated with redundant trains of systems necessary to achieve and maintain hot shutdown conditions.

The justification for the subject deviation request is provided in Enclosure 1. It concludes that the Appendix R electrical cable manufactured by Meggitt Safety Systems Inc complies with the redundant train separation requirements specified in 10 CFR 50 Appendix R, Section III.G.2.

Enclosure 1 references information owned by Meggitt Safety Systems Inc, which they consider proprietary. In accordance with 10 CFR 2.790, Enclosure 2 contains an application and affidavit from Meggitt Safety Systems Inc supporting the withholding of this information from public disclosure. Attachment 2 of Enclosure 1 contains information from a Meggitt Safety Systems Inc test report for a client other than Duke Energy Corporation. The name of that client has been removed from the report.

Please direct questions regarding this request to J. W. Bryant at 704-875-4162.

Sincerely,

H. B. Barron

Enclosures 1 & 2

A pol.

U.S. Nuclear Regulatory Commission  
October 3, 2002  
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Enclosure 2

1. I am Product Manager, Industrial Cable Systems for Meggitt Safety Systems Inc; and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with nuclear power plant licensing; and am authorized on the part of said Corporation (Meggitt) to apply for this withholding.
2. I am making this affidavit in conformance with the provisions of 10CFR 2.790 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Meggitt's application for withholding, which accompanies this affidavit.
3. I have knowledge of the criteria used by Meggitt in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b) (4) of 10CFR 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 Meggitt and has been held in confidence by Meggitt and its consultants.
  - (ii) The information is of a type that would customarily be held in confidence by Meggitt. 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 Meggitt.
  - (iii) The information was transmitted to the NRC in confidence and under the provisions of 10CFR 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 in this submittal is that which is contained in Enclosure 1, Attachments 1 and 2. This information has substantial commercial value and provides a competitive position to Meggitt since:
    - (a) Meggitt intends to sell the information to utilities, vendors, and consultants for commercial gain.
    - (b) Meggitt's competitors would require substantial effort to duplicate this information.
    - (c) The subject information could only be duplicated by competitors at similar expense to that incurred by Meggitt.

5. Public disclosure of this information is likely to cause harm to Meggitt because it would allow competitors in the industry to benefit from the results of a significant development program without requiring commensurate expense or allowing Meggitt to recoup a portion of its expenditures or benefit from the sale of the information.

Fred P. Rudek, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.

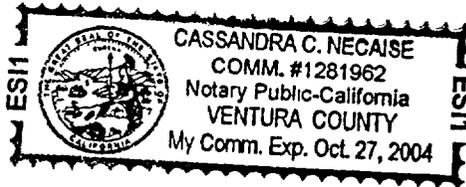
*Fred P Rudek*

Fred P. Rudek, Product Manager, Industrial Cable Systems,  
Meggitt Safety Systems Inc.

Subscribed and sworn to on this 25<sup>th</sup> day of

September, 2002

*Cassandra C Necaise*  
Notary Public



My Commission Expires:

Oct. 27, 2004