November 1, 2002

Mr. M. S. Tuckman
Executive Vice President
Nuclear Generation
Duke Energy Corporation
526 South Church Street
Charlotte, NC 28201-1006

SUBJECT: DUKE ENERGY CORPORATION, REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR OCONEE NUCLEAR STATION, UNITS 1, 2 AND 3 (TAC NOS. MB5441, MB5442, AND MB5443)

Dear Mr. Tuckman:

By letter dated June 13, 2002, you submitted an affidavit dated June 13, 2002, executed by you, requesting that the following three documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

1. DPC-NE-3000-P, Revision 3, “Thermal-Hydraulic Transient Analysis Methodology”
2. DPC-NE-3003-P, Revision 1, “Mass and Energy Release and Containment Response Methodology”
3. DPC-NE-3005-P, Revision 2, “UFSAR Chapter 15, Transient Analysis Methodology”

A nonproprietary copy of these documents has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

a) The information sought to be withheld from public disclosure is owned by Duke and has been held in confidence by Duke and its consultants.

b) 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.

c) The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.790. It is to be received in confidence by the NRC.

d) The information sought to be protected is not available in public to the best of our [Duke’s] knowledge and belief.

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 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.

If you have any questions regarding this matter, I can be reached at 301-415-1419.

Sincerely,

/***RA***/

Leonard N. Olshan Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-269, 50-270, and 50-287

cc: See next page

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