

April 29, 2003

Mr. M. S. Tuckman
Duke Energy Corporation
526 South Church Street
P.O. Box 1006 EC07H
Charlotte, NC 28201-1006

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
RE: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, AND MCGUIRE
NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. MB2726, MB2729, MB2578
AND MB2579)

Dear Mr. Tuckman:

On May 23, 2002, a meeting was held between Duke Power (Duke) representatives and the Nuclear Regulatory Commission (NRC) staff regarding the topical report, DPC-NE-1005P, "Nuclear Design Methodology Using CASMO-4/SIMULATE-3 MOX," for the Catawba and McGuire Nuclear Stations.

Duke made its presentation during this meeting utilizing a package with eight sections of printed information. As noted in the summary for that meeting (Reference 1), the first four sections of the package did not contain proprietary information and were placed in the public domain (Reference 2). The remainder of your presentation materials (Sections 5, 6, 7 and 8) was addressed by your letter and affidavit dated May 15, 2002, (Reference 3) wherein you submitted a proprietary version of the information in these sections that you intended to use in the May 23, 2002, meeting. By letter dated August 15, 2002, (Reference 4) you provided an additional affidavit for the specific proprietary material presented in the May 23, 2002, meeting. You requested that the subject information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. The NRC staff questioned the categorization of certain portions of Section 5, 6, 7 and 8 as proprietary information. On November 5, 2002, your staff provided a non-proprietary version of all eight sections of your presentation materials (Reference 5) that designates, with brackets, the specific information sought to be withheld. Accordingly, our findings below are applicable to the specific information indicated by brackets in the November 5, 2002, submittal.

References:

1. Meeting Summary of May 23, 2002, to discuss Topical Report DPC-NE-1005P, Nuclear Design Methodology Using CASMO-4/SIMULATE-3 MOX, dated June 24, 2002, NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML021780039.
2. Transmittal of Meeting Handout Materials for Immediate Placement in the Public Domain, for a meeting held on May 23, 2002, ADAMS No. ML021540365.
3. Letter, M. S. Tuckman, Duke Power, to U.S. NRC, "Subject: Request for Withholding," dated May 15, 2002.

4. Letter, M. S. Tuckman, Duke Power, to U.S. NRC, providing additional affidavit for proprietary materials used in the May 23, 2002, meeting, dated August 15, 2002.
5. Transmittal, S. Copp, Duke Power, to R. Martin, NRC, providing redacted version of materials used in the meeting of May 23, 2002, dated November 5, 2002, ADAMS No. ML031080431.

In your affidavits you stated that 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.

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 handout information marked as proprietary, as specifically designated in your submittal dated November 5, 2002, 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 may be reached at 301-415-1493.

Sincerely,

/RA/

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

Docket Nos. 50-413, 50-414, 50-369 and 50-370

cc: See next page

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McGuire Nuclear Station
Catawba Nuclear Station

cc:

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