

May 17, 2006

Ms. Tara J. Neider
Transnuclear, Inc.
7135 Minstrel Way
Columbia, MD 21045

SUBJECT: TRANSNUCLEAR, INC., REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 (TAC NOS. MD0238, MD0239, AND MD0240)

Dear Ms. Neider:

By letter dated April 26, 2006, Duke Power Company LLC submitted an affidavit dated April 4, 2006, in which you requested that the information contained in Enclosure 4 to the April 26, 2006, letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 4 is entitled, "Duke Response to NRC Request for Additional Information - Proprietary."

A nonproprietary copy of this document 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:

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Transnuclear.
- (ii) The information is of a type customarily held in confidence by Transnuclear, is not customarily disclosed to the public and is transmitted to the commission in confidence.
- (iii) The information sought to be protected is not now available in public sources to the best of our knowledge and belief and the release of such information might result in a loss of competitive advantage as follows:
 - (a) It reveals the distinguishing aspects of a storage system where prevention of its use by any of Transnuclear's competitors without license from Transnuclear constitutes a competitive economic advantage over other companies.
 - (b) It consists of supporting data, including analytic models, relative to a component or material, the application of which secures a competitive economic or technical advantage.
 - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

T. Neider

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We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 301-415-1419.

Sincerely,

/RA/

Leonard N. Olshan, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

cc: w/encls: See next page

T. Neider

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Oconee Nuclear Station, Units 1, 2, and 3

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