



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 9, 1998

3/24/99  
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Mr. W. R. McCollum, Jr.  
Vice President, Oconee Site  
Duke Energy Corporation  
P. O. Box 1439  
Seneca, SC 29679

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3

Dear Mr. McCollum:

By application dated September 21, 1998, from Duke Energy Corporation (Duke) and affidavit dated September 22, 1998, executed by M. S. Tuckman, Duke submitted its response to an NRC request for additional information on Appendix D to Topical Report DPC-NE-2005-P, "Duke Power Company Thermal-Hydraulic Statistical Core Design Methodology," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the NRC's public document room.

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

- 4.(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 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.
- (iv) The information sought to be protected is not available in public to the best of [Duke's] knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is marked in the attachment to Duke Energy Corporation letter dated September 21, 1998; SUBJECT: Response to NRC Request for Additional Information on Topical Report DPC-NE-2005P, "Duke Power Company Thermal-Hydraulic Statistical Core Design Methodology." This information enables Duke to:
  - (a) Respond to Generic Letter 83-11, "Licensee Qualification for Performing Safety Analyses in Support of Licensing Actions."

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- (b) Support Facility Operating Licenses/Technical Specifications amendment requests for Babcock & Wilcox PWRs [pressurized water reactors].
- (c) Perform safety evaluations per 10 CFR 50.59.

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 version 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 may be reached at 301-415-1472.

Sincerely,  
ORIGINAL SIGNED BY:

David E. LaBarge, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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

cc: See next page

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David E. LaBarge, Senior Project Manager  
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Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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

cc: See next page

Oconee Nuclear Station

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