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 AUTH. NAME AUTHDR AFFILIATION
 TUCKER, H. B. Duke Power Co.
 RECIP. NAME RECIPIENT AFFILIATION
 DENTON, H. R. Office of Nuclear Reactor Regulation, Director (post 851125
 STOLZ, J. F. PWR Project Directorate 6

SUBJECT: Forwards RB Priority affidavit attesting to proprietary nature of arching action confirmatory test repts provided to NRC on 860310, per IE Bulletin 80-11.

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April 10, 1986

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Mr. John F. Stolz, Project Director
PWR Project Directorate No. 6

Subject: Oconee Nuclear Station
Docket Nos. 50-269, -270, -287
IE Bulletin 80-11

Dear Sir:

By letter dated March 10, 1986, Duke Power provided for NRC review copies of three proprietary test reports on the arching action confirmatory test program. Within the March 10, 1986 letter, the NRC was advised that the affidavit addressing the basis by which the information contained within the test reports should be withheld from public disclosure would be provided at a later date.

To this end and in accordance with 10 CFR 2.790, please find attached an affidavit of Richard B. Priory, Vice-President of Design Engineering, attesting to the proprietary nature of the arching action confirmatory test reports.

Very truly yours,



Hal B. Tucker

PFG:slb

Attachment

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PDR ADOCK 05000269
Q PDR



Mr. Harold R. Denton, Director
April 10, 1986
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xc: Dr. J. Nelson Grace, Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Ms. Helen Nicolaras
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. J. C. Bryant
NRC Resident Inspector
Oconee Nuclear Station

AFFIDAVIT OF RICHARD B. PRIORY

- 1) I am Vice President, Design Engineering Department of Duke Power Company and as such have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing or rule-making proceedings, and am authorized to apply for its withholding on behalf of Duke Power Company.
- 2) I am making this affidavit in conformance with the provisions of 10CFR Section 2.790 of the Commissions regulations and in conjunction with Duke Power application for withholding accompanying this affidavit.
- 3) I have knowledge of the criteria.
- 4) Pursuant to the provisions of paragraph (b) (4) of section 2.790 of the Commissions regulations, the following is furnished for consideration by Commission 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 Duke Power Company and has been held in confidence by Duke Power Company and our Consultants.
 - ii) The information is of a type that would customarily be held in confidence by Duke Power Company. The information consists of supporting data, including test data, relative to a method of analysis that provides a competitive advantage to Duke.
 - a) The use of the information by a competitor would greatly reduce its expenditure in qualifying similar methodologies.
 - b) It reveals aspects of a methodology with potential commercial value to Duke Power.
 - iii) The information was transmitted to the Commission in confidence and under the provisions of 10CFR Section 2.790, it is to be received in confidence by the Commission.
 - iv) The information sought to be protected is not available in public sources to the best of our knowledge and belief.

AFFIDAVIT OF RICHARD B. PRIORY (Con't)

- v) The proprietary information sought to be withheld in this submittal is that which is marked in the proprietary versions of reports R561-70-05, R561-70-06, and R561-70-07 and omitted from the non-proprietary versions.

The subject information could only be duplicated by competitors at similar expense to that incurred by Duke Power.

Public disclosure of this information is likely to cause harm to the position of Duke Power because it would allow others to benefit from simplified evaluation techniques without requiring a commensurate expense or allowing Duke Power to recoup a portion of our expenditures.



Richard B. Priory

AFFIDAVIT OF RICHARD B. PRIORY (Con't)

Richard B. Priory, being duly sworn, on his oath disposes and says that he is the person who subscribed his name to the foregoing statement, and that the matters and facts set forth in the statement are true.

RBP
Richard B. Priory

Sworn to and subscribed before me this 28th day of March, 1986. Witness my hand and official seal.

Edith G. Caldwell
Notary Public

My commission expires My Commission Expires November 4, 1987