



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

August 6, 1992

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

Mr. J. H. Taylor, Manager
Licensing Services
B&W Nuclear Technologies
3315 Old Forest Road
P. O. Box 10935
Lynchburg, Virginia 24506-0935

Dear Mr. Taylor:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 (TAC NOS. M84085,
M84086, M84087)

By application dated March 3, 1992, Duke Power Company (DPC) requested amendments to their Facility Operating Licenses DPR-38, DPR-47, and DPR-55. Document 86-1202153-00, "MK-B9 Spectrum LOCA LHR Limit Analyses for 177-Fuel Assembly Lowered Loop Plants," prepared by B&W Nuclear Technologies (BWNT), was forwarded as part of DPC's application.

In an affidavit dated March 10, 1992, BWNT requested that this document be withheld from public disclosure pursuant to 10 CFR 2.790. BWNT stated that the submitted document contains information that is considered "Proprietary" in accordance with the following criteria:

1. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to Babcock & Wilcox.
3. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to Babcock & Wilcox.

The NRC staff has reviewed BWNT's document based on the requirements and criteria of 10 CFR 2.790 and, on the basis of BWNT's statement, have determined that the submitted information sought to be withheld contains proprietary commercial information.

Therefore, the proprietary information will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act, as amended.

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Mr. J. W. Hampton
Duke Power Company

Oconee Nuclear Station

cc:

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Withholding from public disclosure 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also 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.

Sincerely,

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

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