

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, please call me at (301)415-1451.

Sincerely,  
Original signed by:  
Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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

cc: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 21, 1999

50-369/370/  
50-413/414

Mr. M. S. Tuckman  
Executive Vice President  
Nuclear Generation  
Duke Energy Corporation  
526 South Church Street  
P. O. Box 1006  
Charlotte, North Carolina 28201

**SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
MCGUIRE NUCLEAR STATION, UNITS 1 AND 2; CATAWBA NUCLEAR  
STATION, UNITS 1 AND 2 (TAC NOS. MA5989, MA5990, MA5994 AND MA5995)**

Dear Mr. Tuckman:

By letter and affidavit dated November 24, 1999, you submitted additional information in response to our request for additional information dated November 2, 1999, on your amendment request dated June 24, 1999. You requested that portions of your submittal (i.e., Attachment 3b) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. You also provided a nonproprietary version (i.e., Attachment 3a) of those pages for placement in the NRC's public document room.

Your 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 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 proprietary version of the response to NRC questions regarding the details of the uncontrolled RCCA [reactor core control assembly] bank withdrawal MARP [maximum allowable radial peak] limits.
- (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke.

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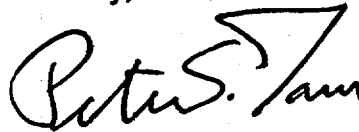
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Sincerely,



Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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

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**cc:**

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**McGuire Nuclear Station  
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