



Duke Power Company
A Duke Energy Company

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M. S. Tuckman
Executive Vice President
Nuclear Generation

December 16, 1999

U. S. Nuclear Regulatory Commission
Washington D. C. 20555-0001

ATTENTION: Document Control Desk

Subject: McGuire Nuclear Station
Docket Numbers 50-369 and 50-370

Catawba Nuclear Station
Docket Numbers 50-413 and 50-414

Issuance of the Approved Versions of
Topical Report DPC-NE-2009A and DPC-NE-2009PA
TAC Nos. MA2411, MA2412, MA 2359 and MA2361

By letter dated September 22, 1999, the NRC transmitted a safety evaluation for the subject topical report. Duke Energy Corporation has now reprinted this topical report in both proprietary and non-proprietary versions. Accordingly, enclosed are 15 copies of the proprietary version and 12 copies of the non-proprietary version, submitted in accordance with the guidance contained in NUREG-0390.

Please note that there is information enclosed that Duke considers proprietary. In accordance with 10CFR2.790, Duke requests that this information be withheld from public disclosure. An affidavit which attests to the proprietary nature of this information is enclosed.

If there are any questions or if additional information is needed on this matter, please call J. S. Warren at (704) 382-4986.

Very truly yours,

M. S. Tuckman

Change NRC POR 4/1 Encl
1 INP
AP01
1/15 Prop
12 Non Prop

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Attachments (2)

xc w/Non-proprietary and Proprietary Versions:

F. Renaldi, NRC Senior Project Manager (MNS)
U. S. Nuclear Regulatory Commission
Mail Stop O-8 H12
Washington, DC 20555-0001

P. S Tam, NRC Senior Project Manager (CNS)
U. S. Nuclear Regulatory Commission
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xc w/Non-proprietary Version Only:

L. A. Reyes, Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30303

D. J. Roberts
NRC Resident Inspector (CNS)

S. M. Shaeffer
NRC Resident Inspector (MNS)

AFFIDAVIT

1. I am Executive Vice President of Duke Energy Corporation; and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with nuclear power plant licensing; and am authorized on the part of said Corporation (Duke) to apply for this withholding.
2. I am making this affidavit in conformance with the provisions of 10CFR 2.790 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding, which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b)(4) of 10CFR 2.790, the following is furnished for consideration by the NRC 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 and has been held in confidence by Duke and its consultants.



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(Continued)

- (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 10CFR 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 our 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 Duke Topical Report designated DPC-NE-2009PA, *Duke Power Company Westinghouse Fuel Transition Report*, and omitted from the non-proprietary version. The published approved version of this topical report is being submitted to the NRC by Duke letter dated December 16, 1999. 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) Perform core design, fuel rod design, and thermal-hydraulic analyses for the Westinghouse Robust Fuel Assembly design.
 - (c) Simulate UFSAR Chapter 15 transients and accidents for McGuire and Catawba Nuclear Stations.
 - (d) Perform safety evaluations per 10CFR50.59.
 - (e) Support Facility Operating Licenses/Technical Specifications amendments for McGuire and Catawba Nuclear Stations.
- (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Duke.
- (a) It allows Duke to reduce vendor and consultant expenses associated with supporting the operation and licensing of nuclear power plants.
 - (b) Duke intends to sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the operation and licensing of nuclear power plants.
 - (c) The subject information could only be duplicated by competitors at similar expense to that incurred by Duke.



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(Continued)

5. Public disclosure of this information is likely to cause harm to Duke because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing Duke to recoup a portion of its expenditures or benefit from the sale of the information.



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M. S. Tuckman, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.

M. S. Tuckman

M. S. Tuckman, Executive Vice President

Subscribed and sworn to before me this 16TH day of
December, 1998

Mary P. Nehms
Notary Public

My Commission Expires:

JAN 22, 2001

SEAL