

# CATEGORY 1

## REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9901200077      DOC.DATE: 99/01/11      NOTARIZED: YES      DOCKET #  
 FACIL: 50-269 Oconee Nuclear Station, Unit 1, Duke Power Co.      05000269  
       50-270 Oconee Nuclear Station, Unit 2, Duke Power Co.      05000270  
       50-287 Oconee Nuclear Station, Unit 3, Duke Power Co.      05000287

AUTH.NAME      AUTHOR AFFILIATION  
 MCCOLLUM, W.R.      Duke Power Co.  
 RECIP.NAME      RECIPIENT AFFILIATION

Records Management Branch (Document Control Desk)

SUBJECT: Forwards proprietary calculations in support of 981015  
 proposed amend, revising pressure-temp operating curves &  
 associated changes to LTOP limits. Proprietary info withheld,  
 per 10CFR2.790(b)(4).

DISTRIBUTION CODE: AP01D      COPIES RECEIVED: LTR 1 ENCL 1      SIZE: 10+102  
 TITLE: Proprietary Review Distribution - Pre Operating License & Operating R

NOTES:

RECIPIENT ID CODE/NAME	COPIES LTTR ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR ENCL
PD2-2 LA	1    1	PD2-2 PD	1    1
LABARGE, D	1    1	Ian Jung	1    1
INTERNAL: ACRS	1    1	FILE CENTER 01	1    1
OGC/HDS2	1    0		
EXTERNAL: NRC PDR	1		

MICROFILMED

NOTE TO ALL "RIDS" RECIPIENTS:

PLEASE HELP US TO REDUCE WASTE. TO HAVE YOUR NAME OR ORGANIZATION REMOVED FROM DISTRIBUTION LISTS  
 OR REDUCE THE NUMBER OF COPIES RECEIVED BY YOU OR YOUR ORGANIZATION, CONTACT THE DOCUMENT CONTROL  
 DESK (DCD) ON EXTENSION 415-2083

TOTAL NUMBER OF COPIES REQUIRED: LTTR 6 ENCL 5



W. R. McCollum, Jr.  
Vice President

**Duke Energy Corporation**

Oconee Nuclear Station  
P.O. Box 1439  
Seneca, SC 29679  
(864) 885-3107 OFFICE  
(864) 885-3564 FAX

January 11, 1999

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555

Subject: Oconee Nuclear Station  
Docket Nos. 50-269, -270, -287  
Proposed Revision to Technical Specifications  
Pressure-Temperature Operating Curves  
Technical Specification Change No. 98-06

In a letter dated October 15, 1998, Duke Energy Corporation (Duke) requested a revision to the Technical Specifications for Oconee Nuclear Station Units 1, 2, and 3. The amendment consisted of proposed changes to the pressure-temperature operating curves and associated changes to the Low Temperature Overpressure Protection (LTOP) limits. In a telephone call between Messrs. Lambros Lois (NRC), William Brady (Duke), Quinton King (Framatome Technologies, Inc. (FTI)), and Bill Grey (FTI) on January 6, 1999, Mr. Lois requested that Duke provide a copy of the FTI documents concerning the Oconee reactor vessel fluence analysis relied upon in the development of the requested pressure-temperature limits.

The requested documents are identified below and provided in Attachments 1, 2, and 3 for Oconee Units 1, 2 and 3 respectively:

- FTI Document 86-1266231-01, "ONS-1 PT Fluence Analysis Report - Cycles 11-16, dated February 1998.
- FTI Document 86-1258198-01, "ONS-2 PT Fluence Analysis Report - Cycles 9-14, dated December 1997.
- FTI Document 86-1266235-01, "ONS-3 PT Fluence Analysis Report - Cycles 12-15, dated February 1998.

The reports provided in Attachments 1, 2, and 3 are proprietary to Framatome Technologies, Inc. An affidavit from Framatome Technologies is included in Attachment 4. The affidavit sets forth the basis on which the information in the reports may be withheld from public disclosure by the NRC and addresses the

Change LTR ENCL

PDR

1

W/p prop

9901200077 990111  
PDR ADDCK 05000269  
P PDR

U. S. Nuclear Regulatory Commission  
January 11, 1999

Page 2

considerations listed in 10CFR2.790(b)(4). Accordingly, Duke Energy Corporation requests that the reports contained in the reports be withheld from public disclosure.

If there are any questions regarding this submittal, please contact Robert C. Douglas at 864-885-3073.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. R. McCollum, Jr.', with a stylized flourish at the end.

W. R. McCollum, Jr.  
Oconee Site Vice President

Attachments (4)

U. S. Nuclear Regulatory Commission  
January 11, 1999

Page 3

cc: Mr. L. A. Reyes  
Regional Administrator, Region II

Mr. M. A. Scott  
Senior Resident Inspector

Mr. D. E. Labarge  
ONRR, Project Manager

Mr. V. R. Autry  
DHEC

ATTACHMENT 4

Framatome Technologies, Inc.  
Affidavit

AFFIDAVIT OF JOSEPH J. KELLY

- A. My name is Joseph J. Kelly. I am Manager of B&W Owners Group Services for Framatome Technologies, Inc. (FTI), and as such, I am authorized to execute this Affidavit.
- B. I am familiar with the criteria applied by FTI to determine whether certain information of FTI is proprietary and I am familiar with the procedures established within FTI to ensure the proper application of these criteria.
- C. In determining whether an FTI document is to be classified as proprietary information, an initial determination is made by the Unit Manager, who is responsible for originating the document, as to whether it falls within the criteria set forth in Paragraph D hereof. If the information falls within any one of these criteria, it is classified as proprietary by the originating Unit Manager. This initial determination is reviewed by the cognizant Section Manager. If the document is designated as proprietary, it is reviewed again by me to assure that the regulatory requirements of 10 CFR Section 2.790 are met.
- D. The following information is provided to demonstrate that the provisions of 10 CFR Section 2.790 of the Commission's regulations have been considered:
- (i) The information has been held in confidence by FTI. Copies of the document are clearly identified as proprietary. In addition, whenever FTI transmits the information to a customer, customer's agent, potential customer or regulatory agency, the transmittal requests the recipient to hold the information as proprietary. Also, in order to strictly limit any potential or actual customer's use of proprietary information, the substance of the following provision is included in all agreements entered into by FTI, and an equivalent version of the proprietary provision is included in all of FTI's proposals:

AFFIDAVIT OF JOSEPH J. KELLY (Cont'd.)

"Any proprietary information concerning Company's or its Supplier's products or manufacturing processes which is so designated by Company or its Suppliers and disclosed to Purchaser incident to the performance of such contract shall remain the property of Company or its Suppliers and is disclosed in confidence, and Purchaser shall not publish or otherwise disclose it to others without the written approval of Company, and no rights, implied or otherwise, are granted to produce or have produced any products or to practice or cause to be practiced any manufacturing processes covered thereby.

Notwithstanding the above, Purchaser may provide the NRC or any other regulatory agency with any such proprietary information as the NRC or such other agency may require; provided, however, that Purchaser shall first give Company written notice of such proposed disclosure and Company shall have the right to amend such proprietary information so as to make it non-proprietary. In the event that Company cannot amend such proprietary information, Purchaser shall prior to disclosing such information, use its best efforts to obtain a commitment from NRC or such other agency to have such information withheld from public inspection.

Company shall be given the right to participate in pursuit of such confidential treatment."

AFFIDAVIT OF JOSEPH J. KELLY (Cont'd.)

- (ii) The following criteria are customarily applied by FTI in a rational decision process to determine whether the information should be classified as proprietary. Information may be classified as proprietary if one or more of the following criteria are met:
- a. Information reveals cost or price information, commercial strategies, production capabilities, or budget levels of FTI, its customers or suppliers.
  - b. The information reveals data or material concerning FTI research or development plans or programs of present or potential competitive advantage to FTI.
  - c. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
  - d. 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 FTI.
  - e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to FTI.
  - f. The information contains ideas for which patent protection may be sought.



AFFIDAVIT OF JOSEPH J. KELLY (Cont'd.)

The document(s) listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with normal FTI procedures with respect to classification and has been found to contain information which falls within one or more of the criteria enumerated above. Exhibit "B", which is attached hereto and made a part hereof, specifically identifies the criteria applicable to the document(s) listed in Exhibit "A".

- (iii) The document(s) listed in Exhibit "A", which has been made available to the United States Nuclear Regulatory Commission was made available in confidence with a request that the document(s) and the information contained therein be withheld from public disclosure.
  - (iv) The information is not available in the open literature and to the best of our knowledge is not known by Combustion Engineering, EXXON, General Electric, Westinghouse or other current or potential domestic or foreign competitors of FTI.
  - (v) Specific information with regard to whether public disclosure of the information is likely to cause harm to the competitive position of FTI, taking into account the value of the information to FTI; the amount of effort or money expended by FTI developing the information; and the ease or difficulty with which the information could be properly duplicated by others is given in Exhibit "B".
- E. I have personally reviewed the document(s) listed on Exhibit "A" and have found that it is considered proprietary by FTI because it contains information which falls within one or more of the criteria enumerated in Paragraph D, and it is information which is customarily held in confidence and protected as proprietary information by FTI. This report comprises

AFFIDAVIT OF JOSEPH J. KELLY (Cont'd.)

Information utilized by FTI in its business which afford FTI an opportunity to obtain a competitive advantage over those who may wish to know or use the information contained in the document(s).

  
JOSEPH J. KELLY

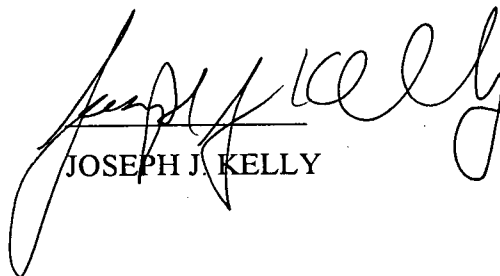
State of Virginia)

)

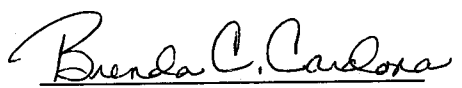
SS. Lynchburg

City of Lynchburg)

Joseph J. Kelly, being duly sworn, on his oath deposes 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.

  
JOSEPH J. KELLY

Subscribed and sworn before me  
this 6<sup>th</sup> day of January 1999.

  
Notary Public in and for the City  
of Lynchburg, State of Virginia.

My Commission Expires July 31, 1999

## **EXHIBITS A & B**

### **EXHIBIT A**

1. FTI Document No. 86-1258198-01, "ONS-2 PT Fluence Analysis Report – Cycles 9-14," December 31, 1997.
2. FTI Document No. 86-1266235-01, "ONS-3 PT Fluence Analysis Report – Cycles 12-15," February 10, 1998.
3. FTI Document No. 86-1266231-01, "ONS-1 PT Fluence Analysis Report – Cycles 11-16," February 10, 1998.

### **EXHIBIT B**

The above listed documents contain information which is considered Proprietary in accordance with Criteria b, c, d and e of the attached affidavit.