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50-369 William B. McGuire Nuclear Station, Unit 1, Duke Power Co.			05000369
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50-413 Catawba Nuclear Station, Unit 1, Duke Power Co.			05000413
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RECIP. NAME	RECIPIENT AFFILIATION
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SUBJECT: Requests that DPC-NE-2008 be considered proprietary & withheld from public disclosure, per 10CFR2.790. Affidavit supporting request attached also.

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November 25, 1997

U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Document Control Desk

Subject: Oconee Nuclear Station
Docket Numbers 50-269, -270, and 287
McGuire Nuclear Station
Docket Numbers 50-369 and -370
Catawba Nuclear Station
Docket Numbers 50-413 and -414
Request for Withholding of Topical Report
DPC-NE-2008 as Proprietary, under 10 CFR 2.790

By Safety Evaluation Report (SER) dated April 3, 1995, NRC approved Topical Report DPC-NE-2008, "Duke Power Company's Use of TACO-3 and the Fuel Rod and Gas Pressure Criterion for the Oconee, McGuire, and Catawba Nuclear Stations." The approved version of this report was republished, together with the NRC's SER, and transmitted to the NRC by letter dated November 13, 1997.

Pursuant to 10 CFR 2.790, Duke Energy requests that DPC-NE-2008 be considered proprietary, and withheld from public disclosure. An affidavit supporting this request is attached.

Very truly yours,

M. S. Tuckman

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U. S. Nuclear Regulatory Commission
November 25, 1997
Page 2

cc (w/o Attachment):

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Senior Resident Inspector
Oconee Nuclear Station

AFFIDAVIT OF M. S. TUCKMAN

1. I am Executive Vice President, Nuclear Generation Department, Duke Energy Corporation ("Duke"), and as such have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear plant licensing, and am authorized to apply for its withholding on behalf of Duke.
- 2 I am making this affidavit in conformance with the provisions of 10 CFR 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 10 CFR 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.
 - (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 our knowledge and belief.

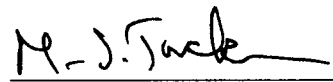


M. S. Tuckman

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AFFIDAVIT OF M. S. TUCKMAN (Page 2)

- (v) The proprietary information sought to be withheld in this submittal is that which is marked in the proprietary version of the report DPC-NE-2008, "Duke Power Company's Use of TACO-3 and the Fuel Rod and Gas Pressure Criterion," and supporting documentation, and omitted from the non-proprietary versions. This information enables Duke to:
- (a) Respond to Generic Letter 83-11, "Licensee Qualification for Performing Safety Analyses in Support of Licensing Actions."
 - (b) Perform fuel rod analyses using TACO-3, including: linear heat rate to melt; pin pressure; clad strain; initialization of LOCA calculations.
 - (c) Perform safety reviews per 10 CFR 50.59.
- (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.


M. S. Tuckman

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AFFIDAVIT OF M. S. TUCKMAN (Page 3)

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 a commensurate expense or allowing Duke to recoup a portion of its expenditures or benefit from the sale of the information.

M. S. Tuckman, 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.

M. S. Tuck
M. S. Tuckman

Sworn to and subscribed before me this 25TH day of November, 1997. Witness my hand and official seal.

Mary P. Nelson
Notary Public

My commission expires JAN 22, 2001.