

DEC 7 1977

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

Duke Power Company
ATTN: Mr. William D. Parker, Jr.
Vice President, Steam Production
Post Office Box 2178
422 South Church Street
Charlotte, North Carolina 28242

Gentlemen:

By your application dated August 31, 1977, you submitted a document each for Oconee 1, 2, and 3 entitled Response to NRC Request for Information on Reactor Vessel Material Surveillance Program and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. Your letter also enclosed an affidavit by Mr. James M. Taylor of the Babcock & Wilcox Company (B&W) dated August 12, 1977, in support of the withholding request.

B&W's reasons for requesting that the data be withheld from public disclosure were that the information was developed at considerable cost to them over a three year period; it is not available in open literature or elsewhere on the open market, and the market potential for this technology has a significant dollar value; therefore, its disclosure is likely to cause substantial harm to B&W's competitive position.

We have reviewed your application, the material, and the affidavit based on the requirements and criteria of 10 CFR 2.790 and have determined that the above-mentioned documents sought to be withheld contain trade secrets or privileged commercial or financial information.

We have also found at this time that the right of the public to be fully apprised of those plant-specific proprietary details regarding the reactor vessel material surveillance program does not outweigh the demonstrated concern for protection of B&W's competitive position. Considerable details on the subject program are available in the Public Document Room in Topical Reports BAW-10006 (Revision 3 dated October 1973) and BAW-10100A (dated February 1975) entitled "Reactor Vessel Material Surveillance Program."

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We therefore approve your request for withholding pursuant to Section 2.790 of 10 CFR Part 2 and are withholding the information on reactor vessel material surveillance program from public inspection as proprietary.

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, assure that the consultants have signed the appropriate agreements for handling proprietary data.

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.

Sincerely,

A. Schwencer, Chief
Operating Reactors Branch #1
Division of Operating Reactors

cc: See next page

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Duke Power Company

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December 7, 1977

cc: Mr. William L. Porter
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