



Westinghouse Electric Company, LLC

Box 355
Pittsburgh Pennsylvania 15230-0355

July 6, 2000

CAW-00-1406

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

Attention: Mr. Samuel J. Collins

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections" WCAP-15128 Revision 3 (Proprietary) June 2000, and "Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections" WCAP-15129 Revision 3 (Non-Proprietary), June 2000

Dear Mr. Collins:

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-00-1406 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by Pacific Gas and Electric.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-00-1406 and should be addressed to the undersigned.

Very truly yours,

H. A. Sepp, Manager
Regulatory and Licensing Engineering

Enclosures

cc: S. Bloom/NRR/OWFN/DRPW/PDIV2 (Rockville, MD) 1L

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.790 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) contained within parentheses located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.790 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Henry A. Sepp, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC ("Westinghouse"), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



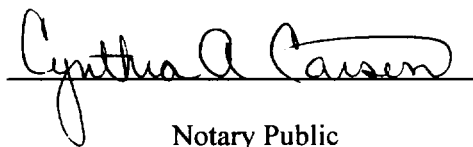
Henry A. Sepp, Manager

Regulatory and Licensing Engineering

Sworn to and subscribed

before me this 06 day

of July, 2000



Notary Public

Notarial Seal
Cynthia A. Carson, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Sept. 8, 2003
Member, Pennsylvania Association of Notaries

- (1) I am Manager, Regulatory and Licensing Engineering, in the Nuclear Services Business Unit of the Westinghouse Electric Company LLC ("Westinghouse"), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rulemaking proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10CFR Section 2.790 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by the Westinghouse Electric Company LLC in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission 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 and has been held in confidence by Westinghouse
 - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.

- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
 - (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
 - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
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- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10CFR Section 2.790, it is to be received in confidence by the Commission.
 - (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in “Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections” WCAP-15128 Revision 3 (Proprietary) June 2000, and “Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections” WCAP-15129 Revision 3 (Non-Proprietary), June 2000” for information in support of Pacific Gas and Electric’s submittal to the Commission, transmitted via Pacific Gas and

Electric letter and Application for Withholding Proprietary Information Public Disclosure, Mr. Henry Sepp, Manager, Regulatory and Licensing Engineering, Westinghouse to the Document Control Desk, Attention: Mr. Samuel J. Collins. The proprietary information was provided by Westinghouse Electric Company LLC.

This information is part of that which will enable Westinghouse to:

- (a) Justify the process for steam generator inspections.
- (b) Assist the customer to obtain a license.

Further this information has substantial commercial value as follows:

- (a) The information reveals the distinguishing aspects of a method prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) It consists of support data, including test data, relative to process, the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar products for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar design programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended for development of replacement modules.

Further the deponent sayeth not.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

_____)	Docket No. 50-275
In the Matter of)	Facility Operating License
PACIFIC GAS AND ELECTRIC COMPANY)	No. DPR-80
)	
Diablo Canyon Power Plant)	Docket No. 50-323
Units 1 and 2)	Facility Operating License
_____)	No. DPR-82

AFFIDAVIT

David H. Oatley, of lawful age, first being duly sworn upon oath states as follows:

- (1) I am Vice President, Diablo Canyon Operations and Plant Manager, of Pacific Gas and Electric Company, and as such, I have been specifically delegated the function of reviewing the confidential information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rulemaking proceedings, and am authorized to apply for its withholding on behalf of Pacific Gas and Electric Company.
- (2) I am making this affidavit in conformance with the provisions of 10 CFR, Section 2.790 of the Commission's regulations and in conjunction with the Pacific Gas and Electric Company application for withholding accompanying this affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Pacific Gas and Electric Company in designating information as confidential.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

In order to conform to the requirements of 10 CFR 2.790 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the nonproprietary versions, only the brackets remain. The information so designated as proprietary is indicated in both versions by means of a lower case letter "g" located as a superscript immediately

following the brackets. This lower case letter refers to the types of information Pacific Gas and Electric Company customarily holds in confidence identified in this affidavit pursuant to 10 CFR 2.790(b)(1).

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Pacific Gas and Electric Company.
- (ii) The information is of a type customarily held in confidence by Pacific Gas and Electric Company and not customarily disclosed to the public. Pacific Gas and Electric Company has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Pacific Gas and Electric Company policy and provides the rational basis required.

Under that system, information is held in confidence if the unauthorized disclosure, modification, or destruction of this information would adversely impact Pacific Gas and Electric Company or could subject it to legal action and penalties. Generally, this information is intended for use only within Pacific Gas and Electric Company and access to it is restricted to authorized individuals and entities. This information is considered confidential because it falls into one the following types:

- (a) Proprietary information is information in which Pacific Gas and Electric Company has property rights which can be protected via a patent, a copyright, or other legal action as in the case of trade secrets.
- (b) A trade secret is information that: (1) derives independent economic value, whether actual or potential, from being unknown to the public in general or to persons who can obtain economic value from its disclosure or use, and (2) is the subject of efforts to maintain its secrecy that are reasonable under the circumstances. Examples include formulas and processes, designs, plans, and strategies, computer software and databases, methods and expertise that produce a desired result in a manner unknown to others in the trade ("know-how"), operational information, customer lists, and market information.

- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.790, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The confidential information sought to be withheld in this submittal is that which is marked by lower case letter "g" in WCAP-15128, "Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections," Revision 3 (Proprietary), June 2000, and WCAP-15129, "Depth-Based SG Tube Repair Criteria for Axial PWSCC at Dented TSP Intersections," Revision 3 (Non-Proprietary), June 2000.

This information addresses matters which will enable Pacific Gas and Electric Company to license an alternate repair criteria (ARC) for steam generator tubes.

Further, this information has substantial commercial value. It consists of nondestructive examination (NDE) performance test data that is used to support development of the alternate repair criteria for steam generator tubing. Use of the performance test data by a competitor would reduce their expenditure of resources in licensing a similar alternate repair criteria for steam generator tubing.

Public disclosure of this confidential information is likely to cause substantial harm to the competitive position of Pacific Gas and Electric Company because it would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

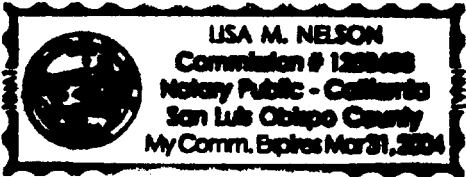
The development of the ARC is the result of applying the results of many years of experience in an intensive Pacific Gas and Electric Company effort and the expenditure of a considerable sum of money.

In order for competitors of Pacific Gas and Electric Company to duplicate this information, similar NDE performance testing would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

David H. Oatley
David H. Oatley
Vice President
Diablo Canyon Operations and Plant Manager

Subscribed and sworn to before me this 13th day of July, 2000
County of San Luis Obispo
State of California

Lisa M. Nelson
Notary Public



Affidavit on behalf of Pacific Gas and Electric Company
Affidavit consists of 4 pages total