



September 5, 2000

C0900-06  
10 CFR 50 Appendix A

Docket Nos.: 50-315  
50-316

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Mail Stop O-P1-17  
Washington, DC 20555-0001

**Donald C. Cook Nuclear Plant Units 1 and 2  
REQUEST TO APPLY LEAK BEFORE BREAK (LBB)  
METHODOLOGY TO THE PRESSURIZER SURGE LINE  
REQUEST FOR ADDITIONAL INFORMATION**

**Reference:**

1. Letter C0800-04, M. W. Rencheck, Indiana Michigan Power Company, to U. S. Nuclear Regulatory Commission, "Donald C. Cook Nuclear Plant Units 1 and 2, Request to Apply Leak Before Break (LBB) Methodology to the Pressurizer Surge Line," dated August 22, 2000.

In Reference 1, Indiana Michigan Power Company (I&M), the Licensee for Donald C. Cook Nuclear Plant Units 1 and 2, requested approval to apply LBB methodology to the pressurizer surge line, thereby eliminating the need to consider the dynamic effects of a postulated, non-mechanistic rupture of this line. As part of the request, I&M committed to provide the LBB analysis results for the three highest pressurizer surge line stress locations with loads due to torsion included in the load combinations. Attachment 1 to this letter provides this information.

During a telephone conversation with members of the NRC staff on August 29, 2000, I&M agreed to provide data on the pressurizer surge line minimum wall thickness and additional information on the values for the temperature differential used for evaluating thermal stratification effects. The minimum wall thickness has been determined to be 1.251 inches. Attachment 2 provides a discussion of the temperature differentials used in the stratification effects evaluation.

A001

Attachment 3 to this letter provides a revised Westinghouse letter for withholding proprietary information and accompanying affidavit. This application for withholding and affidavit supercedes the application for withholding and affidavit supplied with Reference 1 and, as discussed with the NRC staff on August 31, 2000, is submitted to clarify that only WCAP-15434, Revision 1, contains proprietary information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the NRC and addresses with specificity the considerations listed in Paragraph (b)(4) of Section 2.790 of the NRC's Regulations.

Correspondence with respect to the supporting Westinghouse affidavit should reference CAW-00-1419 and should be addressed to Mr. H. A. Sepp, Westinghouse Manager of Regulatory and Licensing Engineering.

Should you have any questions, please contact Mr. Wayne J. Kropp, Director of Regulatory Affairs at (616) 697-5056.

Sincerely,



M. W. Rencheck  
Vice President Nuclear Engineering

/jen

Attachments

c: J. E. Dyer  
MDEQ – DW &RPD, w/o attachments  
NRC Resident Inspector  
R. Whale, w/o attachments

**ATTACHMENT 3 TO C0900-06**

**WESTINGHOUSE APPLICATION FOR WITHHOLDING  
AND AFFIDAVIT**



Westinghouse Electric Company LLC

Box 355  
Pittsburgh Pennsylvania 15230-0355  
August 31, 2000

CAW-00-1419

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 "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for D. C. Cook Units 1 and 2 Nuclear Power Plants," WCAP-15434, Rev. 1 [Proprietary], August 2000

Dear Mr. Collins:

The proprietary information for which withholding is being requested in the above-referenced reports is further identified in Affidavit CAW-00-1419, 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 American Electric Power.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference CAW-00-1419 and should be addressed to the undersigned. This affidavit and letter of withholding supersedes the affidavit and letter of withholding designated as CAW-00-1411, dated August 11, 2000.

Very truly yours,

H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Enclosures

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

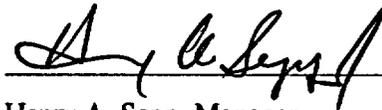
AFFIDAVIT

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 1<sup>st</sup> day  
of September, 2000



Notary Public



Notarial Seal  
Lorraine M. Piplica, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Dec. 14, 2003  
Member, Pennsylvania Association of Notaries

- (1) I am Manager, Regulatory and Licensing Engineering, in the Nuclear Services Division, 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 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 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.
- (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 "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for D. C. Cook Units 1 and 2 Nuclear Power Plants," WCAP-15434, Rev. 1 [Proprietary] August 2000 being transmitted by American Electric Power letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk, Attention: Mr. Samuel J. Collins.

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

- (a) Assist the customer to obtain NRC approval.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.

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 services and licensing defense services 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 technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended for developing testing and analytical methods and performing tests.

Further the deponent sayeth not.

## **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 (g) 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)(g) 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.