



**Westinghouse**

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Our ref: LTR-NRC-02-64

December 16, 2002

**Subject:** Transmittal of Information on the Technical Basis for the Embedded Flaw Process for Repair of Reactor Vessel Head Penetrations

**References:**

1. WCAP-15987-P, Revision 1 "Technical Basis for the Embedded Flaw Process for Repair of Reactor Vessel Head Penetrations" (Proprietary)
2. WCAP-15987-NP, Revision 1 "Technical Basis for the Embedded Flaw Process for Repair of Reactor Vessel Head Penetrations" (Non-Proprietary)

This information is being submitted to support Relief Requests for the use of alternate repair techniques in accordance with ASME Section XI Inservice Inspection Programs.

This submittal contains Westinghouse proprietary information consisting of trade secrets, commercial information, or financial information which we consider privileged or confidential pursuant to 10 CFR 2.790. Therefore, it is requested that the Westinghouse proprietary information attached hereto be handled on a confidential basis and be withheld from public disclosures. Accordingly, correspondence with respect to this letter should reference the Application for Withholding and accompanying Affidavit (AW-02-1591).

This material is for your internal use only and may be used for the purpose for which it is submitted. It should not be otherwise used, disclosed, duplicated, or disseminated, in whole or in part, to any other person or organization outside the Commission, the Office of Nuclear Reactor Regulation, the Office of Nuclear Regulatory Research, and the necessary subcontractors that have signed a proprietary non-disclosure agreement with Westinghouse without the express written approval of Westinghouse.

*Toot*  
*Add: G. Shukla*  
*T. Chan*

Please contact Warren Bamford at (412) 374-6515 or John Crane at (412) 374-5750 if you have any questions concerning this transmittal.

Very truly yours,



H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Enclosures

cc: G. S. Shukla  
T. L. Chan



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Our ref: AW-02-1591

December 16, 2002

**APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE**

Reference: Westinghouse Letter LTR-NRC-02-64 from H. A. Sepp dated December 16, 2002.

Subject: WCAP-15987-P, Revision 1 "Technical Basis for the Embedded Flaw Process for Repair of Reactor Vessel Head Penetrations" (Proprietary)

The application for withholding is submitted by Westinghouse Electric Company, LLC ("Westinghouse"), pursuant to the provisions of paragraph (b) (1) of Section 2.790 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10 CFR Section 2.790, Affidavit AW-02-1591 accompanies this application for withholding, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations.

Correspondence with respect to the proprietary aspects of this submittal should reference AW-02-1591 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'H. A. Sepp'.

H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Enclosures

cc: G. S. Shukla  
T. L. Chan

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

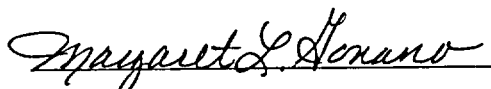
Before me, the undersigned authority, personally appeared H. A. Sepp, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC ("Westinghouse"), and that the averments of fact set forth in this Affidavit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



  
\_\_\_\_\_

H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Sworn to and subscribed  
before me this 16<sup>th</sup> day  
of December, 2002

  
\_\_\_\_\_  
Notary Public

Notarial Seal  
Margaret L. Gonano, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Jan. 3, 2006  
Member, Pennsylvania Association Of Notaries

- (1) I am Manager, Regulatory and Licensing Engineering, in Nuclear Services, 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 rule making proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Electric Company LLC.
- (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 that 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 WCAP-15987-P "Technical Basis for the Embedded Flaw Process for Repair of Reactor Vessel Head Penetrations" being transmitted by Westinghouse Electric Company Letter LTR-NRC-02-64 and Application for Withholding Proprietary Information from Public Disclosure AW-02-1591, to the Document Control Desk, Attention Mr. G. S. Shukla. The proprietary information as submitted for use by Westinghouse Electric Company LLC 1) provides the technical basis and qualification of the Embedded Flaw Repair technique and the non-destructive examination (NDE) capabilities developed by Westinghouse Electric Company LLC.

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

- (a) Support licensees in meeting the requirements of NRC Bulletins 2002-01 and 2002-02 with respect to the inspection and repair of reactor vessel head nozzles.

(b) Assess the acceptability of the reactor vessel head nozzles.

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 reactor vessel head penetration inspections.
- (b) Westinghouse can sell support and defense of its inspection and repair services
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 calculations 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.

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 (f) 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).

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