

August 13, 2003

Mr. H. A. Sepp, Regulatory and Licensing Engineering
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR WATTS BAR NUCLEAR
PLANT, UNIT 1 (TAC NO. MB6976)

Dear Mr. Sepp:

By letter dated December 13, 2002, the Tennessee Valley Authority (TVA or the licensee) submitted an affidavit dated November 21, 2002. The affidavit is executed by Mr. Ian C. Rickard, Licensing Project Manager, Westinghouse Electric Company LLC. The affidavit requested that WCAP-15918-P, Rev. 0, Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plants with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

A nonproprietary version of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC [Westinghouse Electric Company LLC]. It consists of an evaluation of metallurgical conditions associated with the use of Alloy 800 sleeves in the repair of tubes in Combustion Engineering and Westinghouse designed steam generators.
2. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. The information consists of configuration, design calculations, inspection techniques and methodology to inspect Alloy 800 steam generator tube repair sleeves, the application of which provides Westinghouse a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods, or apparatus.

- b. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-4041.

Sincerely,

/RA/

Margaret Chernoff, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

- b. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

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Margaret Chernoff, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
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H. Sepp
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WATTS BAR NUCLEAR PLANT

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