

TXU Energy
Comanche Peak Steam
Electric Station
P.O. Box 1002 (E01)
Glen Rose, TX 76043
Tel: 254 897 5209
Fax: 254 897 6652
mike.blevins@txu.com

Mike Blevins
Senior Vice President & Principal Nuclear Officer

Ref: 10CFR50.90

CPSES-200400148
Log # TXX-04019
File # 00236

January 21, 2004

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NO. 50-445
SUBMITTAL OF REVISED CONTRACTOR REPORT RELATED TO
LICENSE AMENDMENT REQUEST 03-03, REVISION TO
TECHNICAL SPECIFICATION (TS) 5.5.9 STEAM GENERATOR
TUBE REPAIR USING LEAK LIMITING ALLOY 800 SLEEVES
(TAC NO. MC0197)

- REF: 1) TXU Energy Letter, logged TXX-03102, from C. L. Terry to the
U. S. Nuclear Regulatory Commission, dated July 21, 2003.
- 2) TXU Energy Letter, logged TXX-03198, from Mike Blevins to the
U. S. Nuclear Regulatory Commission, dated January 8, 2004.

Gentlemen:

In Reference 1, TXU Generation Company LP (TXU Energy) submitted License Amendment Request (LAR) 03-03, Revision to Technical Specification (TS) 5.5.9 Steam Generator Tube Repair Using Leak Limiting Alloy 800 Sleeves. In Reference 2, TXU Energy submitted our reply to your Request for Additional Information (RAI) concerning this LAR, and stated the contractor report providing the technical basis for this LAR was under revision to address these RAIs and would be transmitted upon its receipt.

The purpose of this letter is to provide the revised contractor report titled WCAP-15918-P, Revision 01, "*Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plant with ¾ Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves,*" dated January 2004.

D029

A member of the **STARS** (Strategic Teaming and Resource Sharing) Alliance

Callaway • Comanche Peak • Diablo Canyon • Palo Verde • South Texas Project • Wolf Creek

Enclosure 1 of this letter, the revised report titled WCAP-15918-P, Revision 01, "*Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plant with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves*," dated January 2004, contains information proprietary to Westinghouse Electric Company LLC ("Westinghouse") and is supported by a withholding affidavit signed by Westinghouse, the owner of the information. This affidavit sets forth the basis on which the information may be withheld from public disclosure by the NRC and addresses with specificity the consideration listed in paragraph (b)(4) of Section 2.790 of the 10CFR50.

Enclosure 2 contains the Westinghouse authorization letter, CAW-03-1710, accompanying affidavit, Proprietary Information Notice, and Copyright Notice. Accordingly, it is requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10CFR2.790 of the Commission's regulations.

Enclosure 3 of this letter contains the non-proprietary version of the report titled WCAP-15918-NP, Revision 01, "*Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plant with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves*," dated January 2004.

Correspondence with respect to the copyright or proprietary aspects of the enclosed Westinghouse documents or the supporting Westinghouse affidavit should reference CAW-03-1710 and should be addressed to J. A. Gresham, Manager of Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Should you require any other additional information please contact Mr. Bob Kidwell at (254) 897-5310.

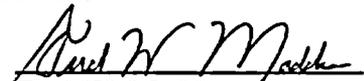
This communication contains no new licensing basis commitments regarding CPSES Units 1 and 2.

Sincerely,

TXU Generation Company LP

By: TXU Generation Management Company LLC,
Its General Partner

Mike Blevins

By: 
Fred W. Madden
Nuclear Licensing Manager

RJK/rk

- Enclosures
1. Westinghouse Proprietary Report WCAP-15918-P, Revision 01, "*Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plant with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves,*" dated January 2004
 2. Westinghouse authorization letter, CAW-03-17108, accompanying affidavit, and Proprietary Information Notice, and Copyright Notice.
 3. Westinghouse Non-Proprietary Report WCAP-15918-NP, Revision 01, "*Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plant with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves,*" dated January 2004

- c - B. Mallett, Region IV (w/o enclosure)
W. D. Johnson, Region IV (w/o enclosure)
M. C. Thadani, NRR
Resident Inspectors, CPSES (w/o enclosure)



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (412) 374-4011
e-mail: greshaja@westinghouse.com

Our ref: CAW-03-1710

January 16, 2004

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-15918-P, Rev. 01 "Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plants with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves" (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-03-1710 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 TXU Energy.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter (CAW-03-1710), and should be addressed to the undersigned.

Very truly yours,

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: D. Holland
B. Benney
E. Peyton

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L, 1A (Nivelles, Belgium)
C. Brinkman, 1L, 1A (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)

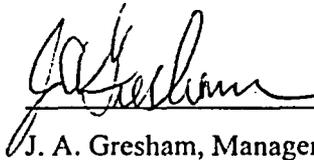
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

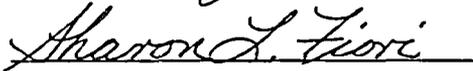
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit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



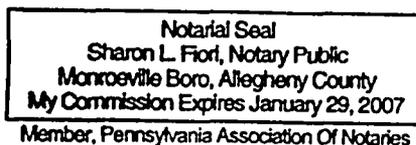
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 16th day
of January, 2004



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, 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 Westinghouse.
- (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 Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse 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 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 proprietary information sought to be withheld in this submittal is that which is appropriately marked in WCAP-15918-P, Rev. 01 "Steam Generator Tube Repair for Combustion Engineering and Westinghouse Designed Plants with 3/4 Inch Inconel 600 Tubes Using Leak Limiting Alloy 800 Sleeves" (Proprietary), dated January, 2004 for Comanche Peak, being transmitted by TXU Energy letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Comanche Peak Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of the use of Alloy 800 sleeves in degraded steam generator tubes.

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

- (a) Install Alloy 800 sleeves in degraded tubes in Comanche Peak steam generators.
- (b) Assist the customer in obtaining NRC approval of a technical specification change.

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 of Alloy 800 sleeve installation.
- (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 licensing 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).

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.