

April 30, 2004

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company, LLC
Post Office Box 355
Pittsburgh, PA 15230-0355

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MB9733 AND MB9734)

Dear Mr. Sepp:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated April 25, 2002, the Indiana Michigan Power Company (I&M) submitted an affidavit dated April 12, 2002, executed by H. A. Sepp of Westinghouse Electric Company, LLC (Westinghouse), requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390: Revision 5 to WCAP 14118, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetration to Support Continued Operation: D. C. Cook Units 1 and 2," January 2002. At the request of the NRC staff, I&M, by letter dated June 20, 2003, submitted an affidavit dated June 11, 2003, executed by H. A. Sepp, which again requested that Revision 5 to WCAP 14118, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetration to Support Continued Operation: D. C. Cook Units 1 and 2," January 2002, be withheld from public disclosure. The information to be considered exempt from mandatory public disclosure consists of information involved in the structural integrity evaluation of reactor vessel upper head penetrations for D. C. Cook Units 1 and 2.

By letter from I&M dated May 10, 2002, a nonproprietary copy of this document has been placed in the 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:

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.

The use of the information 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.

The information reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

H. A. Sepp

- 2 -

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 2.390(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 301-415-1446.

Sincerely,

/RA/

John G. Lamb, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

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Donald C. Cook Nuclear Plant, Units 1 and 2

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