



June 24, 2004

AEP:NRC:4054-06
10 CFR 2.202

Docket No: 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 Unit 2
**SUPPLEMENT TO REQUEST FOR RELAXATION FROM NUCLEAR
REGULATORY COMMISSION REVISED ORDER ESTABLISHING
INTERIM INSPECTION REQUIREMENTS FOR REACTOR PRESSURE
VESSEL HEADS AT PRESSURIZED WATER REACTORS**

- References: 1) Revised Nuclear Regulatory Commission Order EA-03-009, "Issuance of First Revised NRC Order (EA-03-009) Establishing Interim Inspection Requirements for Reactor Pressure Vessel Heads at Pressurized Water Reactors," dated February 20, 2004.
- 2) Letter from J. N. Jensen, Indiana Michigan Power Company, to Document Control Desk, U. S. Nuclear Regulatory Commission, "Request for Relaxation from Nuclear Regulatory Commission Revised Order Establishing Interim Inspection Requirements for Reactor Pressure Vessel Heads at Pressurized Water Reactors," AEP:NRC:4054-05, dated April 30, 2004.

This letter supplements a request for relaxation of requirements contained in the revised Nuclear Regulatory Commission (NRC) order regarding inspection of reactor pressure vessel (RPV) heads at pressurized water reactors.

By Reference 1, the NRC revised its previous order establishing interim inspection requirements for RPV heads at pressurized water reactors. By Reference 2, Indiana Michigan Power Company (I&M) requested relaxation of requirements in the revised order regarding the length of nozzle below the J-groove weld that must undergo nondestructive examination at Donald C. Cook Nuclear Plant (CNP) Unit 2. Attachment 2 to Reference 2 provided a copy of a proprietary Westinghouse document, WCAP-14118-P, Revision 6, containing

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crack growth curves and stress curves in support of the requested relaxation. As detailed in Attachment 2 to Reference 2, I&M committed to submit a revision to WCAP-14118-P with the proprietary designations removed from Tables 4-1 and 4-2, and submit a non-proprietary version of the WCAP for public disclosure.

Attachment 1 to this letter provides Revision 7 of WCAP-14118-P, in which the proprietary designations have been removed from Tables 4-1 and 4-2. There are no differences in technical content between Revision 6 of WCAP-14118-P and Revision 7 of WCAP-14118-P. Revision 7 of WCAP-14118-P should be used in lieu of Revision 6 of WCAP-14118-P when considering the relaxation requested by Reference 2. Attachment 2 to this letter provides a Westinghouse application for withholding WCAP-14118-P, Revision 7, from public disclosure. Attachment 3 to this letter provides a non-proprietary version, WCAP-14118-NP, Revision 7.

There are no new regulatory commitments contained in this letter. Should you have any questions, please contact Mr. John A. Zwolinski, Safety Assurance Director, at (269) 466-2428.

Sincerely,



Joseph N. Jensen
Site Vice President

JW/rdw

Attachments:

- 1) Westinghouse WCAP-14118-P, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to support Continued Operation: D. C. Cook Units 1 and 2," Revision 7, dated May 2004 (Proprietary)
- 2) Westinghouse Application for Withholding Proprietary Information from Public Disclosure
- 3) Westinghouse WCAP-14118-NP, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to support Continued Operation: D. C. Cook Units 1 and 2," Revision 7, dated May 2004 (Non-proprietary)

c: J. L. Caldwell, NRC Region III
K. D. Curry, Ft. Wayne AEP, w/o attachments
Director, Office of Nuclear Reactor Regulation
J. T. King, MPSC, w/o attachments
J. G. Lamb, NRC Washington DC
MDEQ - WHMD/HWRPS, w/o attachments
NRC Resident Inspector

AFFIRMATION

I, Joseph N. Jensen, being duly sworn, state that I am Site Vice President of Indiana Michigan Power Company (I&M), that I am authorized to sign and file this request with the Nuclear Regulatory Commission on behalf of I&M, and that the statements made and the matters set forth herein pertaining to I&M are true and correct to the best of my knowledge, information, and belief.

Indiana Michigan Power Company



Joseph N. Jensen
Site Vice President

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 24 DAY OF June, 2004

Danielle M. Burgoyne
Notary Public

My Commission Expires Apr. 4, 2008

DANIELLE M. BURGOYNE
Notary Public, State of Michigan
County of Berrien
My Commission Expires Apr. 4, 2008
Acting in the County of Berrien

ATTACHMENT 2 TO AEP:NRC:4054-06

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



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-04-1837

May 18, 2004

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

Subject: WCAP-14118-P, Revision 7, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to Support Continued Operation: D. C. Cook Units 1 and 2," May 2004 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-04-1837 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 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by American Electric Power Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-04-1837, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham', with a long horizontal flourish extending to the right.

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

Enclosures

cc: W. Macon
E. Peyton

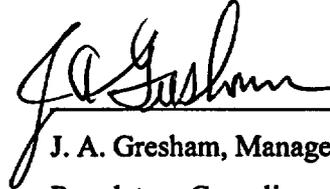
AFFIDAVIT

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:

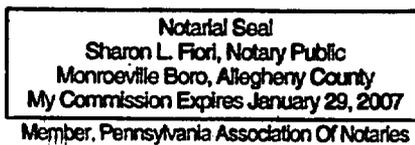


J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 18th day
of May, 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 2.390 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 2.390 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 2.390, 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-14118-P, Revision 7, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to Support Continued Operation: D. C. Cook Units 1 and 2," May 2004 (Proprietary) being transmitted by the American Electric Company 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 D. C. Cook 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 fracture mechanics analyses to support continued safe operation of D. C. Cook Unit 1 or 2 with the presence of a crack in a control rod drive head penetration.

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

- (a) Determine the allowable time of safe operation if cracks are found.
- (b) 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 continued safe operation with the presence of cracks in a control rod drive head penetration.

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 support documentation 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 2.390 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 2.390(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 2.390 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.