

May 11, 2005

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR CATAWBA NUCLEAR
STATION, UNIT 2 (TAC NO. MC4993)

Dear Mr. Gresham:

By letter dated October 19, 2004, Duke Energy Corporation submitted an affidavit dated October 15, 2004, executed by J. S. Galembush, Acting Manager of Regulatory Compliance and Plant Licensing for Westinghouse Electric Company, LLC. In this affidavit, he requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

WCAP-15658-P, Revision 0, "Flaw Evaluation Handbook for Catawba Unit 2
Steam Generator Primary Nozzle Weld Regions," September 2004

Upon its review per the Nuclear Regulatory Commission (NRC), Office of Nuclear Reactor Regulation Office Instruction LIC-204, Revision 2, "Handling Requests to Withhold Proprietary Information from Public Disclosure," the NRC staff found that Westinghouse Electric Company, LLC failed to indicate the locations within the document of the information sought to be withheld. Therefore, the NRC staff found this document unacceptable for review.

Because of this omission, by letter dated December 2, 2004, Duke Energy Corporation submitted an affidavit dated November 22, 2004, executed by you, J. A. Gresham, Manager of Regulatory Compliance and Plant Licensing for Westinghouse Electric Company, LLC. In this affidavit, you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

WCAP-15658-P, Revision 1, "Flaw Evaluation Handbook for Catawba Unit 2
Steam Generator Primary Nozzle Weld Regions," November 2004

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

- (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.

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 portions of the document 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 301-415-1842.

Sincerely,

/RA/

Sean E. Peters, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-414

cc: See next page

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Sean E. Peters, Project Manager, Section 1
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