Duke Power®
A Duke Energy Company

D.M. JAMIL
Vice President

Duke Power
Catawba Nuclear Station
4800 Concord Rd. / CN01VP
York, SC 29745-9635

803 831 4251
803 831 3221 fax

February 28, 2006

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Subject: Duke Energy Corporation
Catawba Nuclear Station, Unit 2
Docket Number 50-414
Proposed Change to Technical Specification (TS) 5.5.9, Steam Generator (SG) Program

References: Letters from Duke Energy Corporation to NRC, same subject, dated December 19, 2005 and February 2, 2006

The December 19, 2005 letter submitted a proposed revision to the subject TS requirements. The amendment application proposed a revision to TS 5.5.9 to incorporate changes in the SG tube repair criteria during the Unit 2 End of Cycle 14 Refueling Outage and subsequent outages. The February 2, 2006 letter modified the original request to make it applicable for one cycle of operation only (Cycle 15) and made the request consistent with those previously reviewed and approved by the NRC for other utilities. The February 2, 2006 letter also indicated that Duke Energy Corporation anticipated submitting a topical report in support of the modified request by February 28, 2006.

Therefore, Attachment 1 to this letter provides the proprietary Westinghouse Electric Company, LLC LTR-CDME-06-17-P, "Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at Catawba 2 in Support of Cycle 15 Operation." As Attachment 1 contains information proprietary to Westinghouse Electric Company, LLC, it is supported by an affidavit signed by Westinghouse Electric Company, LLC, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations

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listed in paragraph (b)(4) of 10 CFR 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information, which is proprietary to Westinghouse Electric Company, LLC, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. This affidavit, along with a Westinghouse Electric Company, LLC authorization letter, CAW-06-2106, Application for Withholding Proprietary Information from Public Disclosure, is contained in Attachment 3.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-06-2106 and should be addressed to B.F. Maurer, Acting Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Attachment 2 provides non-proprietary Westinghouse Electric Company, LLC LTR-CDME-06-17-NP, "Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at Catawba 2 in Support of Cycle 15 Operation."

Pursuant to 10 CFR 50.91, a copy of this proposed amendment supplement is being sent to the appropriate State of South Carolina official.

Should you have any questions concerning this information, please call L.J. Rudy at (803) 831-3084.

Very truly yours,

D.M. Jamil

Attachments

LJR/s

D.M. Jamil affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.

D.M. Jamil, Site Vice President

Subscribed and sworn to me: 2/28/06
Date

Anthony P Jackson
Notary Public

My commission expires: 7/2/2014
Date

SEAL

xc (with attachments):

W.D. Travers
U.S. Nuclear Regulatory Commission
Regional Administrator, Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30303

E.F. Guthrie
Senior Resident Inspector (CNS)
U.S. Nuclear Regulatory Commission
Catawba Nuclear Station

J.F. Stang (addressee only)
NRC Project Manager (CNS)
U.S. Nuclear Regulatory Commission
One White Flint North, Mail Stop 8 H4A
11555 Rockville Pike
Rockville, MD 20852-2738

H.J. Porter
Assistant Director
Division of Radioactive Waste Management
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull St.
Columbia, SC 29201

ATTACHMENT 3

AFFIDAVIT AND WESTINGHOUSE ELECTRIC COMPANY, LLC AUTHORIZATION LETTER, CAW-06-2106, APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Westinghouse

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) 374-4419
Direct fax: (412) 374-4011
e-mail: maurerbf@westinghouse.com

Our ref: CAW-06-2106

February 21, 2006

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: LTR-CDME-06-17-P, "Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at Catawba 2 in Support of Cycle 15 Operation," dated February 2006 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-06-2106 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 Duke Power Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-06-2106, and should be addressed to B. F. Maurer, Acting Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

B. F. Maurer, Acting Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: B. Benney, NRC
L. Feizollahi, NRC

bcc: B. F. Maurer (ECE 4-7) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)
G. W. Whiteman, Waltz Mill
R. F. Keating, Waltz Mill
H. O. Lagally Waltz Mill
J. Gambino, ECE 557D
D. C. Beddingfield, E 558B

CAW-06-2106

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared B. F. Maurer, 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:

B. F. Maurer, Acting Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 24th day
of February, 2006

Sharon L. Fiori
Notary Public

Notarial Seal
Sharon L. Fiori, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires January 29, 2007
Member, Pennsylvania Association Of Notaries

(1) I am Acting Manager, Regulatory Compliance and Plant Licensing, 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 LTR-CDME-06-17-P, "Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at Catawba 2 in Support of Cycle 15 Operation," dated February 2006 (Proprietary). The information is provided in support of a submittal to the Commission, being transmitted by the Duke Power Company and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Catawba Unit 2 is expected to be applicable to other licensee submittals in support of implementing a limited inspection of the tube joint with a rotating probe within the tubesheet region of the steam generators.

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

(a) Provide documentation of the analyses, methods, and testing for the implementation of an alternate repair criteria for the portion of the tubes within the tubesheet of the Catawba Unit 2 steam generators.

(b) Provide a primary-to-secondary side leakage evaluation for the Catawba Unit 2 steam generators during all plant conditions.

(c) Assist the customer to respond to NRC requests for information.

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 this information to its customers in the licensing process.

(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 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.