



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 30, 2009

Mr. Joseph N. Jensen
Senior Vice President and
Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR THE DONALD C. COOK NUCLEAR PLANT, UNIT 1 (TAC NO. MD9997)

Dear Mr. Jensen:

By letter dated July 2, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091950251), to the U.S. Nuclear Regulatory Commission (NRC), Indiana Michigan Power Company (I&M, the licensee) submitted a response to a request for additional information related to a relief request submittal for the use of weld inlays as an alternative repair technique for reactor vessel safe end-to-primary nozzle alloy 82/182 welds at the Donald C. Cook Nuclear Plant, Unit 1. The submittal contained two affidavits addressing the need for withholding specified information from public disclosure.

The first affidavit (CAW-09-02544) dated April 6, 2009, executed by J. A. Gresham of Westinghouse Electric Company, requested that 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:

LTR-PCAM-07-74 dated September 17, 2007, Figure 2 and Table 1, included in Enclosure 2 to AEP-NRC-2009-42, "Response to Request for Additional Information Regarding Relief Request (ISIR-28) for Use of Weld Inlays as an Alternate Repair Technique for Alloy 82/182 Dissimilar Metal Welds in Reactor Vessel Safe End-to-Primary Nozzles (Proprietary)." The information sought to be withheld from public disclosure is associated with the licensee's response to NRC RAI 1-7.

This first 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 that is customarily held in confidence by Westinghouse and not customarily disclosed to the public. 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.

- (iii) The information was transmitted to the Commission in confidence and, under the provisions of 10 CFR 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 from public disclosure is marked in the proprietary version of the LTR-PCAM-07-74, Figure 2 and Table 1, "D. C. Cook Unit 1 RV Inlet Nozzle Weld Information,"

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

- (a) Provide American Electric Power with the information needed to respond to an RAI concerning reactor vessel nozzle weld inlay.
- (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to Westinghouse.
 - (a) Westinghouse plans to sell the use of this information to its customers for purposes of providing fabrication details of the reactor vessel nozzle welds.
 - (b) Westinghouse can sell support and defense of the use of the fabrication details of the reactor vessel nozzle welds.
 - (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

The second affidavit dated June 18, 2009, was executed by Gayle F. Elliott of AREVA NP, Inc. The following information was requested to be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Part 2, Section 2.390:

AREVA NP information contained in drawing 02-9069388C-000, "DC Cook Unit 1 Reactor Vessel Nozzle Existing Configuration, dated 4/22/2008, and drawing 02-9069389C-000, "DC Cook Unit 1 Reactor Vessel Inlet Nozzle Existing Configuration," dated 4/22/2008, included in Enclosure 2 to AEP-NRC-2009-42, "Response to Request for Additional Information Regarding Relief Request (ISIR-28) for Use of Weld Inlays as an Alternate Repair Technique for Alloy 82/182 Dissimilar Metal Welds in Reactor Vessel Safe End-to-Primary Nozzles (Proprietary)." The information sought to be withheld from public disclosure is associated with the licensee's response to NRC RAI 1-2.

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

- (a) The information sought to be withheld from public disclosure reveals details of AREVA NP's research and development plans and programs or their results.

- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the entire document identified as Enclosure 2, which is 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 301-415-3049.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry A. Beltz", with a long horizontal line extending to the right.

Terry A. Beltz, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Donald C. Cook Nuclear Plant

cc:

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

Mrs. Gayle F. Elliott, Licensing Manager
AREVA NP, Inc.
3315 Old Forest Road
Lynchburg, VA 24501

Additional Distribution via ListServ

- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the entire document identified as Enclosure 2, which is 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 301-415-3049.

Sincerely,

/RA/

Terry A. Beltz, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

DISTRIBUTION:

PUBLIC

LPL 3-1 R/F

RidsNrrDorLpl3-1 Resource

RidsNrrLATHarris Resource

RidsNrrPMDCCook Resource

RidsNrrDciCpnb Resource

RidsAcrcAcnw_MailCTR Resource

RidsRgn3MailCenter Resource

RidsOgcMailCenter Resource

ADAMS Accession No.: ML092040199

OFFICE	LPL3-1/PM	LPL3-1/LA	CPNB/BC	LPL3-1/BC	LPL3-1/PM
NAME	TBeltz	THarris	TChan	LJames	TBeltz
DATE	07/24/09	07/27/09	07/28/09	07/30/09	07/31/09

OFFICIAL RECORD COPY