

May 27, 2003

Mr. Gary Pavis
Westinghouse Owners Group
Constellation Energy Group
Calvert Cliffs Nuclear Power Plant, Inc.
P.O. Box 1635
Lusby, MD 20657-4702

SUBJECT: WESTINGHOUSE OWNERS GROUP – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB6805)

Dear Mr. Pavis:

By letter dated November 11, 2002, the Combustion Engineering Owners Group (now merged with the Westinghouse Owners Group) submitted an affidavit dated November 11, 2002, executed by Ian C. Rickard, requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Calculation No. CN-CI-02-71, Revision 0, "Summary of Fatigue Crack Growth Evaluation Associated with Small Diameter Nozzles in CEOG Plants."

WCAP-15973-P, Revision 0, "Low Alloy Steel Component Corrosion Analysis Supporting Small-Diameter Alloy 600/690 Nozzle Repair/Replacement Programs."

Nonproprietary copies of these documents have been placed in the Nuclear Regulatory Commission's (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:

- a. A similar product or service is provided by major competitors of Westinghouse [WEC].
- b. WEC has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of an evaluation of corrosion and fatigue crack growth associated with repair/replacement of small diameter Alloy 600 nozzles, the application of which provides Westinghouse a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service to better compete with WEC, take marketing or other actions to improve their product's

position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

- d. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- e. Use of this information by competitors in the international marketplace would increase their ability to market comparable products or services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 documents entitled "Calculation No. CN-CI-02-71, Revision 0, 'Summary of Fatigue Crack Growth Evaluation Associated with Small Diameter Nozzles in CEOG Plants,'" and WCAP-15973-P, Revision 0, "Low Alloy Steel Component Corrosion Analysis Supporting Small-Diameter Alloy 600/690 Nozzle Repair/Replacement Programs," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

G. Pavis

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If you have any questions regarding this matter, I may be reached at (301) 415-1436.

Sincerely,

/RA by Brian Benney for/

Drew Holland, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 694

cc:

Mr. Hank A. Sepp, Manager
Regulatory and Licensing Engineering
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P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Gordon C. Bischoff, Manager
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Mr. Ian C. Rickard, Project Manager
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Windsor, CT 06095-0500

Mr. Charles B. Brinkman, Director
Washington Operations
Westinghouse Electric Company
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

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