

August 1, 2003

H.A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company, LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MC0012 AND MC0013)

Dear Mr. Sepp:

By letter dated November 28, 2001, the Indiana Michigan Power Company (I&M) submitted an affidavit dated November 26, 2001, executed by J. W. Fasnacht of the Westinghouse Electric Company, LLC (Westinghouse), requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790: Westinghouse Report AEP-01-217, "Tabular Alloy 600 Data From AEP/USNRC Meeting On November 20, 2001." At the request of the Nuclear Regulatory Commission's (NRC) staff, the I&M, by letter dated June 20, 2003, submitted an affidavit dated June 11, 2003, executed by H. A. Sepp, of Westinghouse, which again requested that Westinghouse Report AEP-01-217, "Tabular Alloy 600 Data From AEP/USNRC Meeting On November 20, 2001" be withheld from public disclosure. The information to be considered exempt from mandatory public disclosure consists of information involved in the structural integrity evaluation of reactor vessel upper head penetrations for D. C. Cook Units 1 and 2.

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

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.

The information consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), that application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

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.

H. A. Sepp

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Therefore, Westinghouse Report AEP-01-217 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.

If you have any questions regarding this matter, I may be reached at 301-415-2859.

Sincerely,

/RA/

Mohammed A. Shuaibi, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

H. A. Sepp

- 2 -

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If you have any questions regarding this matter, I may be reached at 301-415-2859.

Sincerely,

/RA/

Mohammed A. Shuaibi, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc: See next page

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Donald C. Cook Nuclear Plant, Units 1 and 2

cc:

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