

**Enclosure 2 Contains Proprietary Information to be  
Withheld from Public Disclosure Under 10 CFR 2.390**

**10 CFR 2.390**



*A subsidiary of Pinnacle West Capital Corporation*

Palo Verde Nuclear Generating Station	<b>Dwight C. Mims</b> Vice President Regulatory Affairs and Plant Improvement	Tel: 623-393-5403 Fax: 623-393-6077	Mail Station 7605 PO Box 52034 Phoenix, Arizona 85072-2034
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**102-05988-DCM/GAM**  
**April 09, 2009**

**ATTN: Document Control Desk**  
**U.S. Nuclear Regulatory Commission**  
**Washington, DC 20555-0001**

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)**  
**Units 1, 2, and 3**  
**Docket Nos. STN 50-528, 50-529, and 50-530**  
**References to Support Request for Technical Specification**  
**Amendment to Relocate the Reactor Coolant System Pressure and**  
**Temperature Limits and the Low Temperature Overpressure**  
**Protection Enable Temperatures**

By letter no. 102-05960, dated February 19, 2009, Arizona Public Service Company (APS) submitted a request for a Technical Specification amendment to relocate the reactor coolant system pressure and temperature limits and the low temperature overpressure protection enable temperatures to a licensee-controlled document outside of the Technical Specifications. In order to support their review of this amendment request, the NRC requested, in an email from Randy Hall to Rusty Stroud dated March 11, 2009, that APS provide the following documents that are referenced in Section 8, "References," of Enclosure 1, Attachment 5 (WCAP-16835-NP) to the February 19, 2009, APS letter:

- Reference 24: WCAP-15688, Revision 00, "CE-NSSS LTOP Energy Addition Transient Analysis Methodology," May 2001;
- Reference 27: Letter from A. Meeden (APS) to J. Olszewski (Westinghouse), "APS Palo Verde Units 1, 2 and 3 PTLR Plant Data Request," Letter No. 448-00708 dated October 17, 2007.

These documents are provided in Enclosures 2 and 4. Please note that WCAP-15688 in Enclosure 2 contains trade secret information that is proprietary to Westinghouse Electric Company. Westinghouse requests that this proprietary information be withheld from public disclosure under 10 CFR 2.390(a)(4). An Affidavit for this request, as

ADD  
NRC

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
References to Support Request for Technical Specification  
Amendment for RCS Pressure and Temperature Limits  
Page 2

required by 10 CFR 2.390(b)(1)(ii) and (iii), is provided in Enclosure 1. 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 listed in 10 CFR 2.390(b)(4). Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-09-2546 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

A non-proprietary version of WCAP-15688 is provided in Enclosure 3 as WCAP-15690 with the proprietary information redacted.

No commitments are being made to the NRC by this letter. Should you need further information regarding this submittal, please contact Russell A. Stroud, Licensing Section Leader, at (623) 393-5111.

Sincerely,



DCM/SAB/GAM/gat

- Enclosures:
1. Affidavit from Westinghouse Electric Company Requesting that WCAP-15688, Revision 00, be withheld from Public Disclosure
  2. WCAP-15688, Revision 00, "CE-NSSS LTOP Energy Addition Transient Analysis Methodology," May 2001 (**Proprietary**)
  3. WCAP-15690, Revision 00, "CE-NSSS LTOP Energy Addition Transient Analysis Methodology," May 2001 (Non-Proprietary)
  4. Letter from A. Meeden (APS) to J. Olszewski (Westinghouse), "APS Palo Verde Units 1, 2 and 3 PTLR Plant Data Request," Letter No. 448-00708 dated October 17, 2007

cc: all w/o enclosures

E. E. Collins Jr.	NRC Region IV Regional Administrator
J. R. Hall	NRC NRR Project Manager
R. I. Treadway	NRC Senior Resident Inspector for PVNGS
A. V. Godwin	Arizona Radiation Regulatory Agency (ARRA)
T. Morales	Arizona Radiation Regulatory Agency (ARRA)

**ENCLOSURE 1**

**Affidavit from Westinghouse Electric Company Requesting that  
WCAP-15688, Revision 00, be withheld from Public Disclosure**

**WCAP-15688, Rev. 0**



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**Westinghouse Electric Company, LLC**  
**P.O. Box 355**  
**Pittsburgh, PA 15230-0355**



Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
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U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Direct tel: (412) 374-4643  
Direct fax: (412) 374-4011  
e-mail: greshaja@westinghouse.com

Our ref: CAW-09-2546

March 19, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-15688-P, Revision 0, "CE NSSS LTOP Energy Addition Transient Analysis Methodology," (Proprietary) dated May 2001

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-09-2546 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 Arizona Public Service.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-09-2546, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham', written over a horizontal line.

for J. A. Gresham, Manager  
Regulatory Compliance and Plant Licensing

Enclosures

cc: George Bacuta (NRC - OWFN 12E-1)

AFFIDAVIT

STATE OF CONNECTICUT

ss WINDSOR LOCKS

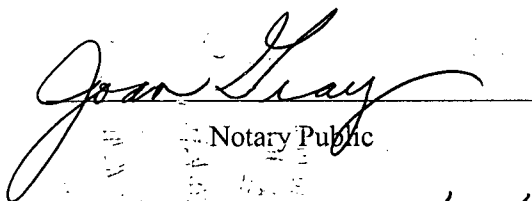
COUNTY OF HARTFORD

Before me, the undersigned authority, personally appeared Ian Rickard, 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:



Ian Rickard, Senior Project Manager  
Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me  
this 19<sup>th</sup> day of March 2009



Notary Public

My Commission Expires: 1/31/2012

- (1) I am a Senior Project Manager, Regulatory Compliance and Plant Licensing, in 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 Westinghouse Report WCAP-15688-P, Revision 0, "CE NSSS LTOP Energy Addition Transient Analysis Methodology," (Proprietary), dated May 2001. This report and accompanying Application for Withholding Proprietary Information from Public Disclosure is being transmitted by letter from the Arizona Public Service Company to the NRC Document Control Desk. The proprietary information as submitted by Westinghouse for use at Palo Verde Nuclear Generating Station is expected to be applicable to other licensee submittals.

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

- (a) Describe the methodology developed to analyze energy addition transients,
- (b) Establish low-temperature overpressure protection setpoints, and
- (c) Support licensees in plant-specific application of the methodology.

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 requirement for licensing documentation, and
- (b) 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 calculations 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 that this information is customarily held in confidence by Westinghouse as identified in Section (4)(ii) of the affidavit accompanying this transmittal.

## **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.