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LTR-NRC-11-50  
September 27, 2011

**Subject:** Submittal of WNA-DS-02442-PGE, Rev. 2, "Diablo Canyon Units 1 and 2 Process Protection System Replacement Project, Advanced Logic System (ALS) – System Requirements Specification" (Proprietary)

**Reference:** 1. PG&E Letter DCL-09-051, from James R. Becker (PG&E) to the Chief Financial Officer of the NRC, dated July 17, 2009.

Reference 1 discussed Pacific Gas & Electric Company's (PG&E) intention to submit a license amendment request (LAR) for a digital upgrade of the Diablo Canyon Power Plant (DCPP) Eagle 21 Process Protection System (PPS) and requested NRC consideration of DCPP as a pilot plant for the use of DI&C-ISG-06, "Digital Instrumentation and Controls Task Working Group #6: Licensing Process Interim Staff Guidance." DI&C-ISG-06 contains the licensing process that will be used by the NRC for the review of digital I&C systems and provides guidance to licensees on the content of the associated LAR.

Enclosed are copies of the proprietary version of WNA-DS-02442-PGE, Rev. 2, "Diablo Canyon Units 1 and 2 Process Protection System Replacement Project, Advanced Logic System (ALS) – System Requirements Specification." This document will be incorporated by reference by PG&E in their LAR requesting NRC approval to replace the DCPP Eagle 21 PPS with a new PPS that is based, in part, on the Advanced Logic System of Westinghouse Electric Company LLC (Westinghouse) and CS Innovations, a wholly-owned subsidiary of Westinghouse.

Any Requests for Additional Information (RAI) associated with the NRC's review of the enclosed document should be sent to Mr. Tom Baldwin of PG&E. PG&E is responsible for the payment of any NRC review fees associated with the review of this document. If you have questions or requests regarding the enclosed document, please contact Tom Baldwin of PG&E at 805-545-4720.

Also enclosed are:

1. One (1) copy of the Application for Withholding Proprietary Information from Public Disclosure, AW-11-3249 (Non-Proprietary), with Proprietary Information Notice and Copyright Notice.
2. One (1) copy of Affidavit (Non-Proprietary).

This submittal contains proprietary information prepared by Westinghouse. In conformance with the requirements of 10 CFR Section 2.390, as amended, of the Commission's regulations, we are enclosing with this submittal an Application for Withholding Proprietary Information from Public Disclosure and an

Additional copies were  
sent to PM

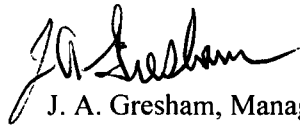
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affidavit. The affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

The subject document was prepared and classified as Westinghouse Proprietary Class 2, and Westinghouse requests that it be considered proprietary in its entirety. Westinghouse does not plan to submit a non-proprietary version of this document due to its extensive proprietary content. A non-proprietary version would be of no value to the public.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference AW-11-3249 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read "JA Gresham", written in a cursive style.

J. A. Gresham, Manager  
Regulatory Compliance

Enclosures



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AW-11-3249

September 27, 2011

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WNA-DS-02442-PGE, Rev. 2, "Diablo Canyon Units 1 and 2 Process Protection System Replacement Project, Advanced Logic System (ALS) – System Requirements Specification" (Proprietary)

Reference: Letter from J. A. Gresham to Document Control Desk, LTR-NRC-11-50, dated September 27, 2011

The Application for Withholding Proprietary Information from Public Disclosure is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

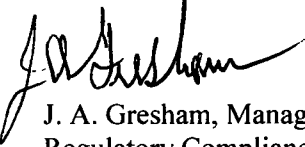
The proprietary information for which withholding is being requested is contained in the proprietary version of the subject document. In conformance with 10 CFR Section 2.390, Affidavit AW-11-3249 accompanies this Application for Withholding Proprietary Information from Public Disclosure, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

The subject document was prepared and classified as Westinghouse Proprietary Class 2, and Westinghouse requests that it be considered proprietary in its entirety. Westinghouse does not plan to submit a non-proprietary version of this document due to its extensive proprietary content. A non-proprietary version would be of no value to the public.

Accordingly, it is respectfully requested that the subject information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to the proprietary aspects of the application for withholding or the accompanying affidavit should reference AW-11-3249 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. A. Gresham", written in a cursive style.

J. A. Gresham, Manager  
Regulatory Compliance

Enclosures

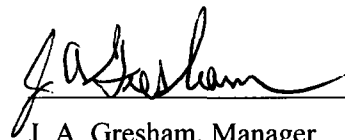
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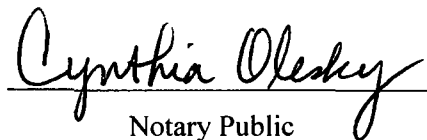
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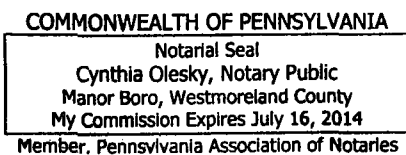
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared J. A. Gresham, 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:

  
\_\_\_\_\_  
J. A. Gresham, Manager  
Regulatory Compliance

Sworn to and subscribed before me  
this 27th day of September 2011

  
\_\_\_\_\_  
Notary Public



- (1) I am Manager, Regulatory Compliance, 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 Proprietary Information from Public Disclosure 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 contained in WNA-DS-02442-PGE, Rev. 2, "Diablo Canyon Units 1 and 2 Process Protection System Replacement Project, Advanced Logic System (ALS) – System Requirements Specification" (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter, LTR-NRC-11-50, and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is submitted in support of Pacific Gas & Electric Company's intention to submit a license amendment request for a digital upgrade of the Diablo Canyon Power Plant Reactor Trip System and Engineered Safety Features Actuation System, and may be used only for that purpose.



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

- (a) Obtain NRC approval of its Advanced Logic System for use in Reactor Trip and Engineered Safety Features Actuation Systems.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of this information to its customers for purposes of obtaining NRC approval of its Advanced Logic System for use in Reactor Trip and Engineered Safety Features Actuation Systems.
- (b) Westinghouse can sell support and defense of the use of its Advanced Logic System in safety-related applications.
- (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 engineering services 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 is the proprietary version of a document furnished to the NRC in connection with requests for generic and/or plant-specific review and approval. The document is to be considered proprietary in its entirety.

### **COPYRIGHT NOTICE**

The document transmitted herewith bears a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in this document which is 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. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.