



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

November 25, 2013

Mr. Edward D. Halpin
Senior Vice President and
Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Power Plant
P.O. Box 56, Mail Code 104/6
Avila Beach, CA 93424

SUBJECT: DIABLO CANYON POWER PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC
NOS. ME7522 AND ME7523)

Dear Mr. Halpin:

By letter dated September 17, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13262A241), Pacific Gas and Electric (PG&E) submitted information to support a license amendment request at Diablo Canyon Power Plant, Units 1 and 2, to replace the Eagle 21 digital process protection system (PPS) with a new digital PPS. The information included an affidavit executed by Mr. James A. Gresham, Westinghouse Electric Company, dated August 22, 2013, requesting that information contained in the following documents be withheld from public disclosure pursuant to the Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

6116-00011, Revision 1, "Diablo Canyon Units 1 and 2 Process Protection System ALS System Design Specification" (Proprietary)

6116-10201, Revision 1, "Diablo Canyon Units 1 and 2 Process Protection System ALS-102 FPGA Requirements Specification" (Proprietary)

6116-10203, Revision 0, "Diablo Canyon PPS ALS-102 Core A FPGA Design Specification" (Proprietary)

6116-10204, Revision 0, "Diablo Canyon PPS ALS-102 Core B FPGA Design Specification" (Proprietary)

6116-00005, Revision 2, "Diablo Canyon Plant Protection System Test Plan" (Proprietary)

Due to the extent of proprietary information found in the documents, the licensee was not required to submit a non-proprietary version of the documents.

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

- (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.

We have reviewed your submittal 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 submitted information 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.

E. Halpin

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If you have any questions regarding this matter, I may be reached at 301-415-1530.

Sincerely,

A handwritten signature in black ink that reads "Jennie Rankin". The signature is written in a cursive, flowing style.

Jennie K. Rankin, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: James A. Gresham
Regulatory Compliance Manager
Westinghouse Electric Company, Suite 310
1000 Westinghouse Drive
Cranberry Township, PA 16066

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E. Halpin

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/ RA /

Jennie K. Rankin, Project Manager
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