



10 CFR 50.90

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102-06785-DCM/RKR
November 20, 2013

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Reference:

APS to NRC letter number 102-06784, *Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Docket Nos. STN 50-528/529/530, Application for Technical Specification Change Regarding Moderator Temperature Coefficient (MTC) Surveillance for Startup Test Activity Reduction (STAR) Program Using the Consolidated Line Item Improvement Process (CLIIP)*, dated November 20, 2013

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Transmittal of Proprietary Documents for Startup Test Activity
Reduction (STAR) Program License Amendment Request (LAR)**

In accordance with the provisions of 10 CFR 50.90 Arizona Public Service Company (APS) submitted a request for an amendment to the technical specifications (TS) for Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3. The proposed amendment would modify moderator temperature coefficient (MTC) TS surveillance requirements (SR) associated with implementation of WCAP-16011-P-A, *Startup Test Activity Reduction (STAR) Program*.

The reference letter provided the formal license amendment request and necessary non-proprietary supporting documents. This letter provides the proprietary versions of two supporting documents. Specifically, WCAP-16011, *Startup Test Reduction Activity Program*, and WCAP-17787, *Palo Verde Nuclear Generating Station STAR Program Implementation Report*, which are included as Attachment 1 and Attachment 2, respectively. The affidavits to support the proprietary nature of these documents and the basis for being withheld from public disclosure, pursuant to 10 CFR 2.390, are included with each document. Specifically, WCAP-16011-P-A, *Startup Test Reduction Activity Program*, Revision 0, and WCAP-17787-P, *Palo*

ADD
NRK

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Transmittal of Proprietary Documents for Startup Test Activity Reduction (STAR)
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Verde Nuclear Generating Station STAR Program Implementation Report, Revision 0, contain information proprietary to Westinghouse Electric Company LLC.

These documents are supported by affidavits signed by Westinghouse, the owner of the information. The affidavits set 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 Section 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the 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 copyright or proprietary aspects of the proprietary documents or the supporting Westinghouse affidavits should reference Westinghouse letters CAW-05-1950 or CAW-13-3820 for WCAP-16011 or WCAP-17787, respectively, and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 310, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Should you need further information regarding this amendment request, please contact Robert K. Roehler, Licensing Section Leader, at (623) 393-5241.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on NOVEMBER 20, 2013
(Date)

Sincerely,



FOR D.C. SIMS

DCM/RKR/CJS/hsc

Attachments:

1. WCAP-16011, *Startup Test Reduction Activity Program* (Proprietary Version)
2. WCAP-17787, *Palo Verde Nuclear Generating Station STAR Program Implementation Report* (Proprietary Version)

| | | |
|-----|--------------|--|
| cc: | M. L. Dapas | NRC Region IV Regional Administrator |
| | J. K. Rankin | NRC NRR Project Manager |
| | M. A. Brown | NRC Senior Resident Inspector for PVNGS |
| | A. V. Godwin | Arizona Radiation Regulatory Agency (ARRA) |
| | T. Morales | Arizona Radiation Regulatory Agency (ARRA) |



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Our ref: CAW-05-1950
March 2, 2005

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: Letter, F. P. Schifley (WOG) to NRC Document Control Desk, "Transmittal of NRC-Approved Topical Report WCAP-16011-P-A Startup Test Activity Reduction Program (Proprietary)," WOG-05-92 dated March 2, 2005 (Proprietary)

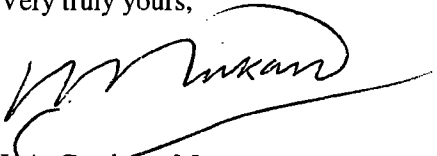
Reference: Letter, H. Berkow (NRC) to G. Bischoff (WOG), "Final Safety Evaluation for Topical Report WCAP-16011-P, Startup Test Activity Reduction Program (TAC No. MB8724)," dated January 14, 2005.

This Application for Withholding is submitted by Westinghouse Electric Company LLC (Westinghouse) pursuant to the provisions of 10 CFR 2.390(b)(1), as amended, of the Commission's regulations. It pertains to the proprietary information contained in WCAP-16011-P-A, Revision 0, which is transmitted to the NRC as requested by the Reference letter.

In conformance with 10 CFR Section 2.390, Affidavit CAW-05-1950 accompanies this Application for Withholding and sets forth the basis on which the identified proprietary information may be withheld from public disclosure. The justification for claiming this information as proprietary is identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit. Accordingly, Westinghouse respectfully requests that the proprietary information contained in this transmittal be withheld from public disclosure.

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse affidavit should reference this letter, CAW-05-1950, and should be addressed to the undersigned.

Very truly yours,


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

Enclosure:

cc: G. S. Shukla / NRC

bcc: J. Gresham (ECE 4-7A)
C. Brinkman (Rockville, MD)
R. Bastien, (Nivelles, Belgium)
H. Jones (Windsor)
RCPL Administrative Aide (ECE 4-7A)

- (1) I, Ian C. Rickard, depose and say that I am the Licensing Project Manager 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 the Westinghouse Electric Company LLC.
- (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 the Westinghouse Electric Company LLC 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 constitute Westinghouse policy and provide 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.
- (iii) There are sound policy reasons behind the Westinghouse system for classification of proprietary information, 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.
- (iv) 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.
- (v) 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.
- (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked and contained in topical report WCAP-16011-P-A, Revision 0, entitled "Startup Test Activity Reduction Program."

This information is part of that which will enable Westinghouse to describe the application of the Startup Test Activity Reduction (STAR) program to nuclear power plants, and in particular to supporting utilities in the application of such, including:

- (a) The identification of important phenomena relevant to the application of the STAR Program topical report, including critical assumptions and acceptance criteria,
- (b) A generic assessment of the applicability of the STAR Program to PWR utilities,
- (c) An evaluation of industry startup test problems and the ability of such problems to be resolved by the STAR Program.

(vii) 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 requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of the STAR Program.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology that 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 advanced nuclear power plant designs and to provide 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 non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

That information which is proprietary in the proprietary version is contained within brackets in order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the identification and protection of proprietary information voluntarily transmitted to the NRC. Such proprietary information has been deleted in the non-proprietary version, leaving only the brackets. The justification for claiming the information designated as proprietary is indicated in both versions by means of superscript letters (a) through (f) following the brackets enclosing each item identified as proprietary. These letters refer to the types of information Westinghouse customarily holds in confidence as identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

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