



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

October 15, 2014

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, UNIT NO. 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO.
MF3891)

Dear Mr. Halpin:

By letter dated September 15, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14259A226), Pacific Gas and Electric Company (the licensee) submitted an affidavit dated September 12, 2014, to the U.S. Nuclear Regulatory Commission (NRC), executed by Mr. James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC (Westinghouse), requesting that the information contained in the following document (Item 7 of Attachment 1 of the letter dated September 15, 2014) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Westinghouse Document No. LTR-RC-14-41, Revision 1: Identification of Westinghouse Proprietary Information in Selected Pages of AREVA Calculation Summary Sheets (Proprietary)

The affidavit dated September 12, 2014, did not provide the reasons for the information considered exempt from the mandatory public disclosure. By letter dated September 25, 2014 (ADAMS Accession No. ML14268A578), the licensee submitted Westinghouse letter dated September 25, 2014, stating that the submitted information should be considered exempt from the mandatory public disclosure in its entirety for the following reasons:

- 1) 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 a license from Westinghouse constitutes a competitive economic advantage over other companies.
- 2) 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 of a similar product.

Since the document is considered proprietary in its entirety, a non-proprietary version of the document was not submitted.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the information sought to be withheld in the submittal, 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.

If you have any questions, please contact me at 301-415-1014 or via e-mail at Eric.Oesterle@nrc.gov.

Sincerely,



Eric R. Oesterle, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-323

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive, Building 3
Cranberry Township, PA, 16066

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E. Halpin

- 2 -

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Sincerely,

/RA/

Eric R. Oesterle, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-323

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive, Building 3
Cranberry Township, PA, 16066

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***via email**

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