



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

February 28, 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 November 27, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13004A468), 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. Roman Shaffer, Invensys Operations Management (IOM), dated November 1, 2012, 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:

IOM Document, "993754-1-804, Revision 1, Pacific Gas and Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, Project Traceability Matrix," dated October 17, 2012

IOM Document, "993754-11-809, Revision 2, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, Software Requirements Specification (SRS) Protection Set I," dated October 17, 2012

IOM Document, "993754-12-809, Revision 2, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, Software Requirements Specification (SRS) Protection Set II," dated October 17, 2012

IOM Document, "993754-13-809, Revision 2, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, Software Requirements Specification (SRS) Protection Set III," dated October 17, 2012

IOM Document, "993754-14-809, Revision 2, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon

Power Plant, Software Requirements Specification (SRS) Protection Set IV," dated October 17, 2012

IOM Document, "993754-1-915, Revision 1, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, Safety Analysis," dated October 24, 2012

IOM Document, "993754-1-860, Revision 1, Pacific Gas & Electric Company Nuclear Safety-Related Process Protection System Replacement, Diablo Canyon Power Plant, V&V [Verification and Validation] Requirements Phase Summary Report," dated October 30, 2012

IOM, "993754-1-801, Revision 1, Pacific Gas & Electric Co Nuclear Safety-Related Process Protection System Replacement Diablo Canyon Power Plant, Software Quality Assurance Plan," dated March 14, 2012

IOM Document, "993754-1-905, Revision 2, Pacific Gas & Electric Co Nuclear Safety-Related Process Protection System Replacement Diablo Canyon Power Plant, Project Management Plan," dated March 2, 2012

Nonproprietary versions of the following documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room: 1) IOM Document 993754-1-915, 2) IOM Document 993754-1-801, and 3) IOM Document 993754-1-905. The nonproprietary versions of these documents are available at ADAMS Accession Nos. ML13004A474, ML13004A471, and ML13004A472, respectively.

Due to the extent of proprietary information found in the following documents, IOM was not required to submit a non-proprietary version of the documents:

- IOM Document 993754-1-804, Revision 1
- IOM Document 993754-11-809, Revision 2
- IOM Document 993754-12-809, Revision 2
- IOM Document 993754-13-809, Revision 2
- IOM Document 993754-14-809, Revision 2
- IOM Document 993754-1-860, Revision 1

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

- (a) Information which discloses process, method, or apparatus, including supporting data and analyses, where prevention of its use by Invensys Operations Management's competitors without license or contract from Invensys constitutes a competitive economic advantage over other companies in the industry.
- (b) Information, which if used by competitors, would reduce their expenditure of resources or improve their competitive position in the design,

manufacture, shipment, application, installation, assurance of quality, or licensing of a similar product.

- (c) Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of Invensys Operations Management, its customers, its partners, or its suppliers.
- (d) Information which reveals aspects of past, present, or future Invensys Operation Management customer-funded development plans or programs, of potential commercial value to Invensys.
- (e) Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.
- (f) Information obtained through Invensys Operation Management actions which could reveal additional insights into nuclear equipment qualification processes, customer applications, and regulatory proceedings, and which are not otherwise readily obtainable by a competitor.

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.

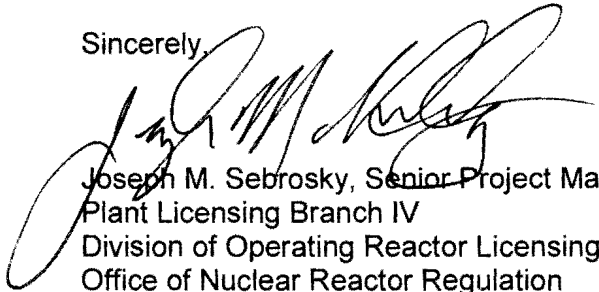
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the 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 301-415-1132.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe M. Sebrosky", is written over the typed name and title.

Joseph M. Sebrosky, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: Roman Shaffer, Project Manager
Invensys Operations Management
26561 Rancho Parkway South
Lake Forest, CA 92630

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E. Halpin

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/RA/

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