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 STN-50-529 Palo Verde Nuclear Station, Unit 2, Arizona Publi 05000529  
 STN-50-530 Palo Verde Nuclear Station, Unit 3, Arizona Publi 05000530

AUTH. NAME AUTHOR AFFILIATION  
 STEVENS, R.J. Arizona Public Service Co. (formerly Arizona Nuclear Power  
 RECIP. NAME RECIPIENT AFFILIATION  
 Document Control Branch (Document Control Desk) *see Reports*

SUBJECT: Forwards nonproprietary & proprietary Rev 00-NP-A & 00-P-A,  
 "Reload Analysis Methodology For PVNGS, Units 1, 2 & 3."  
 Affidavit for withholding encl. Proprietary rept withheld, per  
 10CFR2.790(b)(1).

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**Arizona Public Service Company**

PALO VERDE NUCLEAR GENERATING STATION  
P.O. BOX 52034 • PHOENIX, ARIZONA 85072-2034

102-02644-RJS/TRB/JRP  
September 15, 1993

U. S. Nuclear Regulatory Commission  
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- References:
- 1) Letter 102-02469, dated April 6, 1993, from W. F. Conway, Executive Vice President, Nuclear, APS, to USNRC
  - 2) Letter dated June 14, 1993, from C. M. Trammell, Senior Project Manager, Division of Reactor Projects, USNRC, to W. F. Conway, Executive Vice President, Nuclear, APS

Dear Sirs:

**Subject:** Palo Verde Nuclear Generating Station (PVNGS)  
Units 1, 2, and 3  
Docket Nos. STN 50-258/529/530  
Approved Reload Analysis Methodology Report  
File: 93-056-026

This letter is being provided to transmit one copy each of the Reload Analysis Methodology Report for the Palo Verde Nuclear Generating Station Units 1, 2, and 3, Revision 00-P-A, dated February 1993 (Proprietary version) and Revision 00-NP-A, dated February 1993 (Non-Proprietary version). The enclosed material was previously submitted by reference 1 and subsequently approved by the NRC (reference 2). The enclosed material is the approved version which contains a copy of the NRC Safety Evaluation for your files.

Pursuant to Section 2.790(b)(1) of the regulations of the NRC, APS herewith submits an affidavit for consideration by the Commission in determining whether information sought to be withheld from public disclosure, included in the enclosed Reload Analysis Methodology Report, Revision 00-P-A should be withheld. In addition to the proprietary version, Revision 00-NP-A is enclosed as a non-proprietary version where information sought to be withheld from public disclosure has been bracketed and deleted.

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Should you have any questions, please contact Thomas R. Bradish at (602) 393-5421.

Sincerely,

A handwritten signature in cursive script that reads "Ronald J. Stevens".

Ronald J. Stevens, Director  
Regulatory & Industry Affairs

RJS/TRB/JRP/bcf

Enclosures: 1. Affidavit  
2. Revision 00-P-A (Proprietary)  
3. Revision 00-NP-A (Non-Proprietary)

cc: W. F. Conway  
B. H. Faulkenberry  
J. A. Sloan



**ENCLOSURE 1**

**AFFIDAVIT**





AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.     )  
State of Connecticut             )  
County of Hartford               )     SS.:

I, S. A. Toelle, depose and say that I am the Manager, Nuclear Licensing, of Combustion Engineering, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conjunction with the application of Arizona Public Service Company in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations for withholding this information.

The information for which proprietary treatment is sought is contained in the following document:

"Reload Analysis Methodology for the Palo Verde Nuclear Generating Station, Revision 00-P-A," February 1993.

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 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, included in the above referenced document, should be withheld.

1. The information sought to be withheld from public disclosure, which is owned and has been held in confidence by Combustion Engineering, is the reload design process, including the computer programs utilized and the scope of analyses performed for the Palo Verde Nuclear Generating Station.
2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to Combustion Engineering.
3. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. Combustion Engineering 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 details of the aforementioned system were provided to the Nuclear Regulatory Commission via letter DP-537 from F. M. Stern to Frank Schroeder dated December 2, 1974. This system was applied in determining that the subject document herein is proprietary.
4. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the



understanding that it is to be received in confidence by the Commission.

5. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
6. Public disclosure of the information is likely to cause substantial harm to the competitive position of Combustion Engineering because:
  - a. A similar product is manufactured and sold by major pressurized water reactor competitors of Combustion Engineering.
  - b. Development of this information by C-E required tens of thousands of manhours and millions of dollars. To the best of my knowledge and belief, a competitor would have to undergo similar expense in generating equivalent information.
  - c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop the reload design process, including the computer programs utilized and the scope of analyses performed for the Palo Verde Nuclear Generating Station.
  - d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease

a competitor's cost in applying the information and marketing the product to which the information is applicable.

- e. The information consists of the reload design process, including the computer programs utilized and the scope of analyses performed for the Palo Verde Nuclear Generating Station, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- f. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion

Engineering's potential for obtaining or maintaining  
foreign licensees.

Further the deponent sayeth not.

S. A. Toelle

S. A. Toelle  
Manager  
Nuclear Licensing

Sworn to before me  
this 23rd day of August, 1993

Laurie J. White  
Notary Public

My commission expires: 3-31-94





**ENCLOSURE 3**

**REVISION OO-NP-A (NON-PROPRIETARY)**

