



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

December 12, 2011

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

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

Dear Mr. Shaffer:

By letter dated October 28, 2011 (993754-27T, Agencywide Documents Access and Management System (ADAMS) Accession No. ML11307A267), you submitted an affidavit dated October 28, 2011, 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:

- (1) Software Requirements Specification, PS 1, Revision 0, [993754]-11-809 dated October 27, 2011
- (2) Software Requirements Specification, PS 2, Revision 0, [993754]-12-809, dated October 27, 2011
- (3) Software Requirements Specification, PS 3, Revision 0, [993754]-13-809, dated October 27, 2011
- (4) Software Requirements Specification, PS 4, Revision 0, [993754]-14-809, dated October 27, 2011

Due to the extent of proprietary information contained in these documents, Invensys Operations Management was not required to submit non-proprietary versions.

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[s] 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[s] 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 submittals 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.

R. Shaffer

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If you have any questions regarding this matter, I may be reached at 301-415-1445.

Sincerely,

A handwritten signature in cursive script that reads "Alan Wang".

Alan B. Wang, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: Mr. John T. Conway  
Senior Vice President – Energy Supply  
and Chief Nuclear Officer  
Pacific Gas and Electric Company  
Diablo Canyon Power Plant  
77 Beale Street, Mail Code B32  
San Francisco, CA 94105

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R. Shaffer

- 3 -

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Sincerely,

/RA/

Alan B. Wang, Project Manager  
Plant Licensing Branch IV  
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**ADAMS Accession No. ML113340304**

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