



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

December 14, 2011

Mr. Scott Roberts  
Director  
CS Innovations, LLC  
7400 E Tierra Buena Lane, Suite 101  
Scottsdale, AZ 85260

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

Dear Mr. Roberts:

By letter dated September 28, 2011 (6116-00053, Agencywide Documents Access and Management System (ADAMS) Accession No. ML11277A153), you submitted an affidavit dated September 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) 6116-10201, Revision 0, "Diablo Canyon Units 1 and 2 Process Protection System, ALS-102 FPGA Requirements Specification," September 2011
- 2) 6116-00011, Revision 0, "Diablo Canyon Units 1 and 2 Process Protection System, ALS System Design Specification," September 2011
- 3) 6116-00000, Revision 0, "Diablo Canyon PPS Management Plan," July 25, 2011
- 4) 6116-00005, Revision 0, "Diablo Canyon PPS System Test Plan," July 21, 2011

Due to the extent of proprietary information contained in these documents, CS Innovations, LLC 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) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of CS Innovations' competitors without license from CS Innovations 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 CS Innovations, its customers or suppliers.
- (e) It reveals aspects of past, present, or future CS Innovations or customer funded development plans and programs of potential commercial value to CS Innovations.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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.

S. Roberts

- 3 -

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

Sincerely,

A handwritten signature in black ink that reads "Alan Wang". The signature is written in a cursive, slightly slanted style.

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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S. Roberts

- 3 -

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Sincerely,

/RA/

Alan B. Wang, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
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**ADAMS Accession No. ML113400097**

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