

February 28, 2013

Rolls-Royce
Attention: Mark Burzynski
I&C Licensing Manager
5959 Shallowford Road, Suite 511
Chattanooga, TN 37421

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
OF ROLLS-ROYCE CIVIL NUCLEAR DOCUMENTS FOR THE
SPINLINETOPICAL REPORT (TAC NO. ME3600)

Dear Mr. Burzynski:

By letter dated December 18, 2012 (Agencywide Documents Access and Management System Accession No. ML13003A319), Rolls-Royce Civil Nuclear (RRCN) submitted an affidavit executed by yourself dated December 18, 2012, requesting that the information contained in the documents listed in the enclosure to this letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the RRCN would be harmed by disclosure of the identified commercially sensitive information for the following reasons:

(i) The information is of value to a competitor because it would enable them to make direct comparisons between aspects of their safety instrumentation and control platform and life cycle processes and the corresponding details for SPINLINE 3.

(ii) There are commercially sensitive details of how the generic hardware and software components of a SPINLINE 3 system work, and how functions such as data communications and automated testing are implemented. This would be of value to a competitor in understanding specific competitive design and operational characteristics of SPINLINE 3 systems.

(iii) The information defines the specific qualification envelope and test processes applied to SPINLINE 3, which would enable them to make direct comparisons between the qualification processes and qualification envelopes for their safety I&C platform and the corresponding details for SPINLINE 3.

(iv) There are aspect of RRCN's proprietary technical processes for safety and software development and verification and validation. These processes underpin the integrity of SPINLINE 3 software, which is an important competitive advantage for RRCN.

(v) Commercially sensitive details on the characteristics of SPINLINE 3 hardware related to establishing system setpoints would be of value to a competitor in understanding specific competitive design and operational characteristics of SPININE 3 systems.

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 submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of 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. Two examples are if the scope of a Freedom of Information Act request includes your information or if the staff finds during the preparation of its safety evaluation that necessary information to make findings is marked proprietary but could be made nonproprietary. 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 regarding this matter, I may be reached at 301-415-7297.

Sincerely,

/RA/

Joseph J. Holonich, Sr. Project Manager
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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NRR-106

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DATE	02/11/2013	02/13/2013	02/26/2013	02/28/2013	02/28/2013

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Document Title	Document Number	Proprietary / Non-Proprietary	ADAMS Accession No.
Licensing Topical Report (LTR)	3 008 503D	Proprietary	ML13003A318 ML13003A323
	3 008 503D-NP	Non-Proprietary	ML13003A321
Summary Equipment Qualification Test Report	3 014 545C	Proprietary	ML13003A324
	3 014 545C-NP	Non-Proprietary	ML13003A322
Dedication Report for the Generic <i>SPINLINE</i> 3 Digital Safety I&C Platform	3 010 795B	Proprietary	ML13003A326
	3 010 795B-NP	Non-Proprietary	ML13003A317
EPRI TR-106439 Critical Characteristics and EPRI TR-107330 Compliance Matrix Assessment Report	3 018 281B	Proprietary	ML13003A325
	3 018 281B-NP	Non-Proprietary	ML13003A316
Setpoint Analysis Support	3 009 397B	Proprietary	ML13003A327

ENCLOSURE