

April 29, 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 RESPONSES TO REQUESTS FOR  
ADDITIONAL INFORMATION DATED APRIL 4, 2013 (TAC NO. ME3600)

Dear Mr. Burzynski:

By letter dated April 4, 2013 (Agencywide Documents Access and Management System Accession No. ML13102A042), Rolls-Royce Civil Nuclear (RRCN) submitted an affidavit executed by yourself dated April 4, 2013, requesting that the information contained in the RRCN responses to the U.S. Nuclear Regulatory Commission (NRC) staff requests for additional information 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 aspects 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, 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.

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

Project No. 773

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**ADAMS Accession No.: ML13106A023**

**NRR-106**

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