

April 7, 2014

Mr. James A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company LLC  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE  
FOR THE WESTINGHOUSE SMALL MODULAR REACTOR (W-SMR) SLIDE  
PACKAGE SUBMITTAL FOR THE SAFETY ANALYSIS OVERVIEW HELD ON  
FEBRUARY 26, 2014 (NRC PROJECT NO. 0797).

Dear Mr. Gresham:

By letter dated January 23, 2014, Westinghouse Electric Company, LLC (WEC), submitted affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14027A166) in which Mr. Robert B. Sisk, Acting Director, Small Modular Reactor, requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Safety Analysis Overview meeting slides (proprietary) (ADAMS Accession No. ML 14027A174 and ML14027A176)

Nonproprietary copies (ADAMS Accession No. ML14027A173 and ML14027A175) have been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 1) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- 2) The information is a type of customarily held in confidence by Westinghouse and not customarily disclosed to the public. The information reveals the distinguishing aspects of a process where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over the other companies.

- 3) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; and it is to be received in confidence by the Commission.
- 4) The proprietary information sought to be withheld is identified and is appropriately marked as proprietary as it appears in the materials.

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 affidavits, 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 301-415-6402.

Sincerely,

**/RA/**

Arlon O. Costa, Senior Project Manager  
Small Modular Reactor Licensing Branch 2  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0797

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**NRO-002**

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