

April 14, 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 RESPONSE TO RIS 2013-18 ASSOCIATED WITH THE
WESTINGHOUSE SMALL MODULAR REACTOR (W-SMR) DESIGN (NRC
PROJECT NO. 0797)

Dear Mr. Gresham:

By letter dated January 31, 2014, Westinghouse Electric Company, LLC (WEC), submitted affidavit AW-14-3876 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14041A015, Enclosure 2) in which Mr. Jeff Benjamin, WEC Sr. Vice President Regulatory Affairs and Mr. Scott Bond, Director, Nuclear Development Ameren Missouri, requested that information contained in the response to NRC Regulatory Issue Summary (RIS) 2013-18, "Licensing Submittal Information and Design Development Activities for Small Modular Reactor Designs," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

Nonproprietary and proprietary copies of the response (Accession No. ML14041A015, Enclosure 4 and ML14041A016, Enclosure 3 respectively) have been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS.

The affidavit 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 of the type that is 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, 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 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.

Should 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

cc: Dispatch via Westinghouse ListServ

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NRO-002

OFFICE	PM:NRO/DARR/SMRLB2	BC:NRO/DARR/SMRLB2
NAME	ACosta	ABradford
DATE	04/11/14	04/14/14

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