



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

October 25, 2016

Mr. Brian H. Whitley, Manager
Nuclear Licensing
Southern Nuclear Operating Company, Inc.
42 Inverness Center Parkway
Birmingham, AL 35242

Mr. James A. Gresham, Manager
Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Building 3, Suite 310
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4
(CAC NO. RP9538)

Dear Messrs. Whitley and Gresham:

By letter dated August 31, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16293A033), Southern Nuclear Operating Company (SNC) submitted an affidavit executed by Paul A. Russ of Westinghouse Electric Company LLC (Westinghouse), dated August 31, 2016, requesting that the information contained in Enclosures 1P and 2P of the letter, as described below, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

Enclosure 1P - Vogtle Electric Generating Plant (VEGP) Units 3 and 4 - Request for License Amendment: Incorporate Revisions to WCAP-17179 in UFSAR [Updated Final Safety Analysis Report] Appendix 7A (LAR-16-021)

Enclosure 2P - Vogtle Electric Generating Plant (VEGP) Units 3 and 4 - Proposed Changes to the Licensing Basis Documents (LAR-16-021)

Nonproprietary versions of Enclosures 1P and 2P can be found at ADAMS Accession No. ML16293A033.

The affidavit, in part, stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public...
- (iv) 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.

- (v) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

...

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

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 versions 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.

B. Whitley and J. Gresham

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If you have any questions regarding this matter, please contact me at 301-415-3229 or Michael.Orenak@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Orenak". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael D. Orenak, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 52-025 and 52-026

cc: see next page

Vogtle Units 3 & 4 Mailing List

Revised (09/19/2016)

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If you have any questions regarding this matter, please contact me at 301-415-3229 or Michael.Orenak@nrc.gov.

Sincerely,

/RA/

Michael D. Orenak, Project Manager
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Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 52-025 and 52-026

cc: see next page

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