



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

July 19, 2022

Mr. Tom Simril
Site Vice President
Catawba Nuclear Station
Duke Energy Carolinas, LLC
4800 Concord Road
York, SC 29745

SUBJECT: CATAWBA NUCLEAR STATION, UNIT 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE REGARDING REACTOR
VESSEL CLOSURE HEAD REPAIR ALTERNATIVE (EPID L-2022-LLR-0010)

Dear Mr. Simril:

By letter dated January 20, 2022, Duke Energy Carolinas, LLC (Duke Energy) submitted an affidavit dated December 10, 2021, executed by Anthony J. Schoedel, Advanced Reactors Licensing Engineering Manager, of Westinghouse Electric Company, LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

WCAP-18708-P, "Technical Basis for Westinghouse Embedded Flaw Repair of
Catawba Unit 2 Reactor Vessel Head Penetration Nozzles and Attachment
Welds" (Proprietary)

Subsequently, by letter dated July 7, 2022, Duke Energy submitted a supplement to the January 20, 2022, letter to correct errors in the markings for certain information that was incorrectly marked as proprietary with an affidavit dated June 9, 2022, executed by Camille Zozula, Regulatory Compliance and Corporate Licensing Manager, of Westinghouse Electric Company, LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of 10 CFR:

WCAP-18708-P, "Technical Basis for Westinghouse Embedded Flaw Repair of
Catawba Unit 2 Reactor Vessel Head Penetration Nozzles and Attachment
Welds" Revision 1 (Proprietary)

Nonproprietary copies of these documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System (ADAMS), Accession No. ML22020A283 and ML22188A236.

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

- (4) Pursuant to 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.
 - (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
 - (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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.
- (5) Westinghouse has policies in place to identify proprietary information. Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:
 - (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
 - (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
 - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
 - (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
 - (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs or potential commercial value to Westinghouse.

- (f) It contains patentable ideas, for which patent protection may be desirable.

We have reviewed your applications 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, please contact me at (301) 415-0615 or by e-mail at Zackary.Stone@nrc.gov.

Sincerely,

Zackary R. Stone, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No: 50-414

cc: Listserv

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DATED JULY 19, 2022

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NAME	MMarkley (SWilliams for)	ZStone	
DATE	7/19/2022	7/19/2022	

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