

October 7, 2013

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 SUBMITTAL OF PRESENTATION RELATED TO THE INSTRUMENT AND CONTROL PROTECTION AND MONITORING SYSTEM OF THE WESTINGHOUSE SMALL MODULAR REACTOR DESIGN.

Dear Mr. Gresham:

By letter dated September 23, 2013 Westinghouse Electric Company, LLC (WEC) submitted Affidavit AW-13-3812 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13268A093), and requested that the information contained in the proprietary presentation "Westinghouse Small Modular Reactor Nuclear I&C Overview and Technical Discussion – Follow-up Presentation," ADAMS accession No. ML13268A096, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

A nonproprietary copy of the final presentation has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS (Accession No. ML13268A094).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure since release could cause harm to Westinghouse for the following reasons:

- a) The information discloses aspects of a process that give Westinghouse economic advantage over its competitors, which will enable Westinghouse to manufacture and deliver products to utilities based on proprietary designs. Westinghouse plans to sell the use of similar information to its customers for purposes of plant construction and operation. Non-disclosure of such information protects Westinghouse's competitive position.
- b) The information reveals the distinguishing aspects of an approach and schedule to determine compliance with regulations and standards. If used openly by others, it would place Westinghouse at a competitive disadvantage by reducing the competitors' expenditure of resources at Westinghouse's expense.

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.

J.Gresham

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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

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**NRO-002**

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