

September 15, 2016

Mr. B. H. Whitley, Director
Regulatory Affairs
Southern Nuclear Operating Company
42 Inverness Center Parkway
Birmingham, AL 35242

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

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4, "REGARDING REQUEST FOR LICENSE AMENDMENT FOR STRUCTURAL DESIGN OF AUXILIARY BUILDING FLOORS," ENCLOSURE 1

Dear Mr. Whitley and Mr. Gresham:

By letter dated September 6, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16250A517), Southern Nuclear Operating Company submitted an affidavit (Enclosure 2) dated September 6, 2016, signed by Mr. Brian H. Whitley that requested the information contained in Enclosure 1, "Transmittal of Proprietary Presentation Slides for NRC Public Meeting on May 26, 2016 Regarding Request for License Amendment for Structural Design of Auxiliary Building Floors," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

A nonproprietary (redacted) version of the document may be found in the Nuclear Regulatory Commission's (NRC) Public Document Room and has been added to the ADAMS Library under Accession Number ML16146A039.

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

1. The information has been held in confidence by Westinghouse.
2. The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public; a rational basis exists for making this determination. The information should be held in confidence for the following reasons (itemized in Enclosure 1):
 - (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.
 - (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.

3. The information was transmitted to and received by the Commission in confidence.
4. The information is not available in public sources.
5. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner of the information.

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.

If you have any questions regarding this matter, I may be reached at 301-415-5848.

Sincerely,

/RA/

William (Billy) Gleaves, Senior Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-025
52-026

cc: see next page

B. Whitley
J. Gresham

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B. Whitley
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(Revised 07/13/2016)

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