



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

October 25, 2016

Ms. April R. Rice, Manager  
Nuclear Licensing  
South Carolina Electric & Gas Company  
14368 State Highway 213  
Jenkinsville, SC 29065

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 PROPRIETARY INFORMATION FROM  
PUBLIC DISCLOSURE FOR THE VIRGIL C. SUMMER NUCLEAR STATION,  
UNITS 2 AND 3 (CAC NO. RG3024)

Dear Ms. Rice and Mr. Gresham:

By letter dated September 15, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16259A310), South Carolina Electric & Gas Company submitted an affidavit executed by Paul A. Russ of Westinghouse Electric Company LLC (Westinghouse), dated August 31, 2016 (ADAMS Accession No. ML16259A314), which requested that the information contained in Enclosures 1P and 2P to 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 – Request for License Amendment: Incorporate Revisions to  
WCAP-17179 in UFSAR [Updated Final Safety Analysis Report]  
Appendix 7A (LAR 16-12)

Enclosure 2P – Proposed Changes to the Licensing Basis Documents (LAR 16-12)

Nonproprietary versions of Enclosures 1P and 2P can be found at ADAMS Accession Nos. ML16259A310 and ML16259A312, respectively.

The affidavit stated, in part, 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 Sections 2.390(b)(5) and 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.

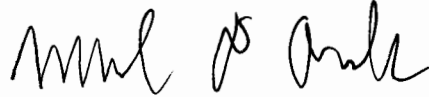
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the U.S. Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause 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.

A. Rice and J. Gresham

- 3 -

If you have any questions regarding this matter, please contact me at 301-415-3229 or [Michael.Orenak@nrc.gov](mailto: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. 52-027 and 50-028

cc: see next page

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(Revised 09/19/2016)

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A. Rice and J. Gresham

- 3 -

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

Sincerely,

*/RA/*

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

Docket Nos. 52-027 and 50-028

cc: see next page

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DATE	10/25/16			

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