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October 13, 2016

Docket Nos.: 52-025  
52-026

ND-16-2074  
10 CFR 2.390

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4  
Transmittal of Proprietary Presentation Slides for NRC Public Meeting on October 20, 2016  
Post-Accident Main Control Room Operator Dose: Additional Changes  
Proposed in the VEGP 3&4 License Amendment Request

Ladies and Gentlemen:

On October 20, 2016, an NRC public meeting is planned to be held with Southern Nuclear Operating Company (SNC), South Carolina Electric and Gas (SCE&G), and Westinghouse Electric Company (WEC) to exchange technical information regarding changes to the post-accident main control room operator dose analysis. The purpose of this letter is to transmit the proprietary presentation material (and associated SNC and WEC proprietary documentation) that will be used to facilitate the October 20, 2016 technical exchange meeting. The non-proprietary presentation material for this meeting was previously provided to the NRC via email dated October 6, 2016.

Enclosure 1 provides the slide presentation titled, "Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request (WEC LAR 99)." **This presentation contains material identified as security-related information and Westinghouse Proprietary Class 2, and accordingly is requested to be withheld from public disclosure under 10 CFR 2.390.**

Enclosure 2 provides an affidavit from SNC supporting withholding the Proprietary information under 10 CFR 2.390.

Enclosure 3 is Westinghouse's Proprietary Information Notice, Copyright Notice and CAW-16-4484, Application for Withholding Proprietary Information from Public Disclosure and Affidavit. The affidavit sets forth the basis upon which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information that is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-16-4484 and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, 1000 Westinghouse Drive, Building 3 Suite 310, Cranberry Township, Pennsylvania 16066. Correspondence with respect to proprietary aspects of this letter and its enclosures should also be addressed to Brian H. Whitley at the contact information within this letter.

This letter does not contain any NRC commitments.

Should you have any questions, please contact Ms. Amy Chamberlain at (205) 992-6361.

Mr. Brian H. Whitley states that: he is the Regulatory Affairs Director of Southern Nuclear Operating Company; he is authorized to execute this oath on behalf of Southern Nuclear Operating Company; and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



Brian H. Whitley

BHW/ACC/ljs



Sworn to and subscribed before me this 13<sup>th</sup> day of October, 2016

Notary Public Lisa Myrick Spears

My commission expires: June 18, 2019

- Enclosures:
1. Presentation Material: Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request (WEC LAR 99) **(Withheld Information)**
  2. Affidavit from Southern Nuclear Operating Company for Withholding Under 10 CFR 2.390
  3. Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-16-4484, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice

cc:

Southern Nuclear Operating Company / Georgia Power Company

Mr. S. E. Kuczynski (w/o enclosures)  
Mr. M. D. Rauckhorst  
Mr. D. G. Bost (w/o enclosures)  
Mr. M. D. Meier (w/o enclosures)  
Mr. D. H. Jones (w/o enclosures)  
Ms. K. D. Fili (w/o enclosures)  
Mr. D. L. McKinney (w/o enclosures)  
Mr. T.W. Yelverton (w/o enclosures)  
Mr. B. H. Whitley  
Mr. C. R. Pierce  
Mr. D. L. Fulton  
Mr. M. J. Yox  
Mr. J. C. Haswell  
Mr. T. R. Takats  
Mr. W. A. Sparkman  
Mr. J. P. Redd  
Ms. A. C. Chamberlain  
Document Services RTYPE: VND.LI.L00  
File AR.01.02.06

Nuclear Regulatory Commission

Ms. C. Haney (w/o enclosures)  
Mr. S. Lee (w/o enclosures)  
Mr. L. Burkhart (w/o enclosures)  
Ms. J. Dixon-Herrity (w/o enclosures)  
Mr. P. Kallan  
Mr. C. Patel  
Mr. W. C. Gleaves  
Mr. B. M. Bovol  
Ms. R. Reyes  
Ms. M. A. Sutton  
Mr. M. E. Ernstes  
Mr. G. Khouri  
Mr. J. D. Fuller  
Ms. S. Temple  
Ms. J. Uhle  
Mr. T. E. Chandler  
Ms. P. Braxton  
Mr. T. Brimfield  
Mr. M. Kowal  
Mr. A. Lerch

State of Georgia

Mr. R. Dunn (w/o enclosure 1)

Oglethorpe Power Corporation

Mr. M. W. Price (w/o enclosure 1)

Mr. K. T. Haynes (w/o enclosure 1)  
Ms. A. Whaley (w/o enclosure 1)

Municipal Electric Authority of Georgia

Mr. J. E. Fuller (w/o enclosure 1)  
Mr. S. M. Jackson (w/o enclosure 1)

Dalton Utilities

Mr. T. Bundros (w/o enclosure 1)

WECTEC

Ms. K. Stoner (w/o enclosures)  
Mr. C. A. Castell

Westinghouse Electric Company, LLC

Mr. R. Easterling (w/o enclosures)  
Mr. J. W. Crenshaw (w/o enclosures)  
Mr. C. D. Churchman (w/o enclosures)  
Mr. L. Woodcock  
Mr. P. A. Russ  
Mr. A. F. Dohse  
Mr. M. Y. Shaqqo

Other

Mr. J. E. Hesler, Bechtel Power Corporation  
Ms. L. A. Matis, Tetra Tech NUS, Inc. (w/o enclosure 1)  
Dr. W. R. Jacobs, Jr., Ph.D., GDS Associates, Inc. (w/o enclosure 1)  
Mr. S. Roetger, Georgia Public Service Commission (w/o enclosure 1)  
Ms. S. W. Kernizan, Georgia Public Service Commission (w/o enclosure1)  
Mr. K. C. Greene, Troutman Sanders (w/o enclosure 1)  
Mr. S. Blanton, Balch Bingham  
Mr. R. Grumbir, APOG  
Mr. N. R. Kellenberger, South Carolina Electric & Gas Company  
Mr. D. Kersey, South Carolina Electric & Gas Company  
NDDocumentinBox@duke-energy.com, Duke Energy  
Mr. S. Franzone, Florida Power & Light

**Southern Nuclear Operating Company**

**ND-16-2074**

**Enclosure 1**

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**

**Presentation Material:**

**Post-Accident Main Control Room Operator Dose:  
Additional Changes Proposed in the VEGP 3&4 License Amendment Request  
(WEC LAR 99)**

**(Withheld Information)**

**(Enclosure 1 consist of 17 pages, plus this cover page)**

**Southern Nuclear Operating Company**

**ND-16-2074**

**Enclosure 2**

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**

**Affidavit from Southern Nuclear Operating Company for Withholding  
Under 10 CFR 2.390**

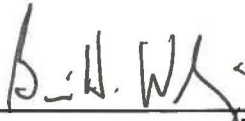
**(Enclosure 2 consist of two pages, plus this cover page)**

**Affidavit of Brian H. Whitley**

1. My name is Brian H. Whitley. I am the Regulatory Affairs Director for Southern Nuclear Operating Company (SNC). I have been delegated the function of reviewing proprietary information sought to be withheld from public disclosure and am authorized to apply for its withholding on behalf of SNC.
2. I am making this affidavit on personal knowledge, in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations, and in conjunction with Westinghouse Electric Company document APP-GW-GLY-119, Revision 0, which is the Westinghouse Electric Company presentation titled, "Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request (WEC LAR 99)." I have personal knowledge of the criteria and procedures used by SNC to designate information as a trade secret, privileged or as confidential commercial or financial information.
3. Based on the reason(s) at 10 CFR 2.390(a)(4), this affidavit seeks to withhold from public disclosure Enclosure 1 of SNC letter ND-16-2074 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Transmittal of Proprietary Presentation Slides for NRC Public Meeting on October 20, 2016 Regarding Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request (WEC LAR 99).
4. The following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

- b. The information is of a type customarily held in confidence by SNC and Westinghouse Electric Company and not customarily disclosed to the public.
  - c. The release of the information might result in the loss of an existing or potential competitive advantage to SNC and/or Westinghouse Electric Company.
  - d. Other reasons identified in Enclosure 3 of SNC letter ND-16-2074 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Transmittal of Proprietary Presentation Slides for NRC Public Meeting on October 20, 2016 Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request, and those reasons are incorporated here by reference.
5. Additionally, release of the information may harm SNC because SNC has a contractual relationship with the Westinghouse Electric Company regarding proprietary information. SNC is contractually obligated to seek confidential and proprietary treatment of the information.
6. 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.
7. To the best of my knowledge and belief, 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.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Brian H. Whitley

Executed on 10/13/16  
Date



**Southern Nuclear Operating Company**

**ND-16-2074**

**Enclosure 3**

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**

**Westinghouse Application for  
Withholding Proprietary Information from Public Disclosure CAW-16-4484,  
accompanying Affidavit, Proprietary Information Notice, and Copyright Notice**

**(Enclosure 3 consist of ten pages, plus this cover page.)**



# Westinghouse

Westinghouse Electric Company  
New Plants and Major Projects  
1000 Westinghouse Drive, Building 1  
Cranberry Township, Pennsylvania 16066  
USA

Document Control Desk  
U S Nuclear Regulatory Commission  
Washington, DC 20852-2738

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CAW-16-4484

October 5, 2016

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP  
3&4 License Amendment Request

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-16-4484 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The Affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by Southern Nuclear Company.

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse Affidavit should reference CAW-16-4484, and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, 1000 Westinghouse Drive, Building 3 Suite 310, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in blue ink that reads "Paul A. Russ".

Paul A. Russ, Director

Licensing & Regulatory Support



Westinghouse Electric Company  
New Plants and Major Projects  
1000 Westinghouse Drive, Building 1  
Cranberry Township, Pennsylvania 16066  
USA

**Enclosures to CAW-16-4484**

1. AFFIDAVIT CAW-16-4484
2. PROPRIETARY INFORMATION NOTICE and COPYRIGHT NOTICE
3. Southern Nuclear Company, Letter for Transmittal to the NRC
4. APP-GW-GLY-119, Revision 0, "Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request" (Proprietary)
5. APP-GW-GLY-120, Revision 0, "Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request" (Non-Proprietary)

ENCLOSURE 1

CAW-16-4484

AFFIDAVIT

CAW-16-4484  
October 5, 2016

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF BUTLER:

I, Paul A. Russ, am authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief.



Paul A. Russ, Director  
Licensing & Regulatory Support

- (1) I am Director, Licensing & Regulatory Support, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, 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.
  - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Westinghouse policy and provide the rational basis required.

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 of potential commercial value to Westinghouse.
  - (f) It contains patentable ideas, for which patent protection may be desirable.
- (iii) There are sound policy reasons behind the Westinghouse system which include the following:
- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
  - (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
  - (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
  - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
  - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- 
- (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.
  - (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in APP-GW-GLY-119, Revision 0, "Post-Accident Main Control Room Operator Dose: Additional Changes Proposed in the VEGP 3&4 License Amendment Request" (Proprietary), for submittal to the Commission, being transmitted by Southern Nuclear Company letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with APP-GW-GLY-119, Revision 0, and may be used only for that purpose.



- (a) This information is part of that which will enable Westinghouse to:
  - (i) Manufacture and deliver products to utilities based on proprietary designs.
  
- (b) Further this information has substantial commercial value as follows:
  - (i) Westinghouse plans to sell the use of similar information to its customers for the purpose of licensing of new nuclear power stations.
  - (ii) Westinghouse can sell support and defense of industry guidelines and acceptance criteria for plant-specific applications.
  - (iii) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 designs 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.

Further the deponent sayeth not.

ENCLOSURE 2

PROPRIETARY INFORMATION NOTICE and COPYRIGHT NOTICE

### **PROPRIETARY INFORMATION NOTICE**

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the Affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

### **COPYRIGHT NOTICE**

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.