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May 9, 2017

Docket Nos.: 52-025  
52-026

ND-17-0654  
10 CFR 50.90  
10 CFR 52.63  
10 CFR 2.390

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

Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4  
Supplement to Request for License Amendment and Exemption:  
ADS and IRWST Injection Block (LAR-16-018S2)

Ladies and Gentlemen:

Pursuant to 10 CFR 52.98(c) and in accordance with 10 CFR 50.90, by letter ND-16-1359, dated October 14, 2016 [ADAMS Accession Number ML16288A810] Southern Nuclear Operating Company (SNC), requested an amendment to Combined License (COL) Numbers NPF-91 and NPF-92, for VEGP Units 3 and 4, respectively. This license amendment request (LAR), LAR-16-018, proposed to depart from Tier 2\* and associated Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) (which includes the plant-specific Tier 2 information), and involved related changes to plant-specific Design Control Document (DCD) Tier 1 information, with corresponding changes to the associated COL Appendix C information. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR Part 52, Appendix D, Design Certification Rule was also requested for the plant-specific DCD Tier 1 material departures. Additionally, SNC's request involved changes to the VEGP Units 3 and 4 COL Appendix A, Technical Specifications (TS).

By SNC letter ND-17-0089, dated February 23, 2017 [ML17054D204], SNC supplemented LAR-16-018 to address two sets of Requests for Additional Information (RAI) from the NRC Staff to support review of LAR-16-018 (LAR-16-018S1). This letter supplements LAR-16-018 and LAR-16-018S1 to address an RAI emailed to SNC on April 13, 2017 [ML17103A342].

Enclosure 13 contains the response to the RAIs dated April 13, 2017. **Enclosure 13 includes information that is considered proprietary; therefore, Enclosure 13 is requested to be withheld from disclosure to the public under 10 CFR 2.390.** Enclosure 14 of this letter provides the redacted version of Enclosure 13 and may be made available for disclosure to the public.

An affidavit from SNC supporting withholding of information in Enclosure 13 under 10 CFR 2.390 is provided in Enclosure 15. Enclosure 16 is Westinghouse's Application for Withholding Proprietary Information from Public Disclosure, Affidavit CAW-17-4555, Proprietary Information Notice, and Copyright Notice. 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 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 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-17-4555 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.

The supplemental information provided in Enclosures 13 and 14 does not change the scope, or affect the Technical Evaluation, or alter the conclusions of the Significant Hazards Consideration Determination or Environmental Considerations in LAR-16-018.

This letter contains no regulatory commitments.

This letter contains no security-related information.

In accordance with 10 CFR 50.91, SNC is notifying the State of Georgia of this LAR supplement by transmitting a copy of this letter and enclosures to the designated State Official.

SNC requests staff approval of this license amendment by June 29, 2017 to support installation of the Protection and Safety Monitoring System cabinets for Unit 3. Delayed approval of this licensing request could result in delay of the associated construction activity and subsequent dependent construction activities. SNC expects to implement the proposed amendment through incorporation into the licensing basis documents; e.g., the UFSAR, within 60 days of approval of the requested changes.

Should you have any questions, please contact Mrs. Stephanie Agee (205) 992-7556.

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

*B. H. Whitley*

Brian H. Whitley



BHW/SYA/ljs

Sworn to and subscribed before me this 9<sup>th</sup> day of May, 2017

Notary Public: *Lisa Myrick Spears*

My commission expires: June 18<sup>th</sup> 2018

- Enclosures: 1 – 6) (previously submitted with the original LAR, LAR-16-018, in SNC letter ND-16-1359)
- 7 – 12) (previously submitted with the Supplemental LAR-16-018S1, in SNC letter ND-17-0089)
- 13) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Response to the Request for Additional Information Emailed April 13, 2017 Regarding LAR-16-018 (Withheld Information) (LAR-16-018S2)
- 14) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Response to the Request for Additional Information Emailed April 13, 2017 Regarding LAR-16-018 (Publicly Available) (LAR-16-018S2)
- 15) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Affidavit from Southern Nuclear Operating Company for Withholding Under 10 CFR 2.390 (LAR-16-018S2)
- 16) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Westinghouse Authorization Letter CAW-17-4555, Affidavit, Proprietary Information Notice, and Copyright Notice (LAR-16-018S2)

U.S. Nuclear Regulatory Commission

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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

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Mr. C. R. Pierce

Ms. A. G. Aughtman

Mr. D. L. Fulton

Mr. M. J. Yox

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Mr. W. Jones (w/o enclosures)

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Mr. J. D. Fuller

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Ms. V. Ordaz

Mr. T. E. Chandler

Ms. P. Braxton

Mr. T. Brimfield

Mr. C. J. Even

Mr. A. Lerch

State of Georgia

Mr. R. Dunn (w/o enclosure 13)

U.S. Nuclear Regulatory Commission

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Oglethorpe Power Corporation

Mr. M. W. Price (w/o enclosure 13)

Mr. K. T. Haynes (w/o enclosure 13)

Ms. A. Whaley (w/o enclosure 13)

Municipal Electric Authority of Georgia

Mr. J. E. Fuller (w/o enclosure 13)

Mr. S. M. Jackson (w/o enclosure 13)

Dalton Utilities

Mr. T. Bundros (w/o enclosure 13)

Westinghouse Electric Company, LLC

Mr. R. Easterling (w/o enclosures)

Mr. G. Koucheravy (w/o enclosures)

Mr. C. D. Churchman (w/o enclosures)

Mr. P. A. Russ

Mr. A. F. Dohse

Mr. M. L. Clyde

Mr. C. A. Castell

Ms. K. Chesko

Mr. J. Hopkins

Mr. D. Hawkins

Other

Mr. S. W. Kline, Bechtel Power Corporation

Ms. L. A. Matis, Tetra Tech NUS, Inc. (w/o enclosure 13)

Dr. W. R. Jacobs, Jr., Ph.D., GDS Associates, Inc. (w/o enclosure 13)

Mr. S. Roetger, Georgia Public Service Commission (w/o enclosure 13)

Ms. S. W. Kernizan, Georgia Public Service Commission (w/o enclosure 13)

Mr. K. C. Greene, Troutman Sanders (w/o enclosure 13)

Mr. S. Blanton, Balch Bingham

Mr. R. Grumbir, APOG

Mr. N. R. Kellenberger, South Carolina Electric & Gas Company

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Mr. S. Franzone, Florida Power & Light

**Southern Nuclear Operating Company**

**ND-17-0654**

**Enclosure 14**

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

**Response to the Request for Additional Information  
Emailed April 13, 2017 Regarding LAR-16-018 (Publicly Available)**

**(LAR-16-018S2)**

**(Enclosure 14 consists of 2 pages, including this cover page.)**

**NRC Questions:**

10 CFR 52.47(a)(2), "Contents of applications; technical information", states, in part, with regard to systems, structures and components that the description shall be sufficient to permit understanding of the system designs.

10 CFR 50.55a(h), "Protection and Safety Systems," requires compliance with IEEE Std. 603-1991, "IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations," and the correction sheet dated January 30, 1995. Clause 5.1 of IEEE Std. 603-1991 requires, in part, that safety systems shall perform all safety functions required for a design basis event.

- 1) Enclosure 4 of License Amendment Request (LAR) 16-018 states that "the blocking device and new [protection and safety monitoring system] PMS logic are also applied to [In-Containment Refueling Water Storage Tank] IRWST injection squib valves to prevent spurious IRWST injection valve opening, which could also result in a loss of reactor coolant". In each injection line of the IRWST, there is a check valve to prevent the reactor coolant from flowing back to the IRWST. Please clarify how a loss of reactor coolant could happen if there is a spurious IRWST injection squib valve opening caused by the potential common cause failure (CCF) in the safety-related protection and safety monitoring system (PMS).
- 2) If a loss of reactor coolant is not possibly caused by the spurious IRWST injection squib valve opening, please provide safety justification for including a new nonsafety-related blocking function in the PMS, which, however, could increase the likelihood of failing to accomplish the safety-related function to open the IRWST injection squib valve when a real loss of coolant accident (LOCA) happens.

Please provide adequate design clarification and safety justification requested above for the proposed new blocking device in the PMS for the IRWST injection valves to support the NRC staff to make the safety findings with reasonable assurance on this LAR.

**SNC Response to NRC Question 1:**

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**SNC Response to NRC Question 2:**

Based on SNC's response to NRC Question 1, NRC Question 2 is not applicable.

**Southern Nuclear Operating Company**

**ND-17-0654**

**Enclosure 15**

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

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

**(LAR-16-018S2)**

**(Enclosure 15 consists of 3 pages, including 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 SNC's filing on dockets 52-025 and 52-026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Supplement to Request for License Amendment and Exemption: ADS and IRWST Injection Block (LAR-16-018S2). 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 13 of Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Supplement to Request for License Amendment and Exemption: ADS and IRWST Injection Block (LAR-16-018S2).
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.
  - a. The information sought to be withheld from public disclosure has been held in confidence by SNC and Westinghouse Electric Company.
  - 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.

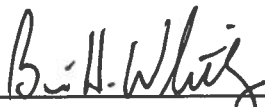
ND-17-0654

Enclosure 15

Affidavit from Southern Nuclear Operating Company for Withholding Under 10 CFR 2.390 (LAR-16-018S2)

- d. Other reasons identified in Enclosure 16 of Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Supplement to Request for License Amendment and Exemption: ADS and IRWST Injection Block (LAR-16-018S2) (dockets 52-025 and 52-026), 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 5/9/17  
Date

**Southern Nuclear Operating Company**

**ND-17-0654**

**Enclosure 16**

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

**Westinghouse Authorization Letter CAW-17-4555,  
Affidavit, Proprietary Information Notice, and Copyright Notice**

**(LAR-16-018S2)**

**(Enclosure 16 consists of 10 pages, plus this cover page.)**



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New Plants and Major Projects  
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Cranberry Township, Pennsylvania 16066  
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CAW-17-4555

April 26, 2017

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Response to RFI SV0-GS-GF-900345 for SNC LAR-16-018 (WEC LAR-09), ADS and IRWST Injection Blocking Device

The Application for Withholding Proprietary Information from Public Disclosure is submitted by Westinghouse Electric Company LLC ("Westinghouse"), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Nuclear Regulatory Commission's ("Commission's") regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-17-4555 signed by the owner of the proprietary information, Westinghouse. 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 South Nuclear Company (SNC).

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse Affidavit should reference CAW-17-4555, 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 cursive script 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-17-4555**

1. AFFIDAVIT CAW-17-4555
2. PROPRIETARY INFORMATION NOTICE and COPYRIGHT NOTICE
3. APP-GW-GF-932, "Response to RFI SV0-GS-GF-900345 for SNC LAR-16-018 (WEC LAR-09), ADS and IRWST Injection Blocking Device" (Proprietary)
4. APP-GW-GF-933, "Response to RFI SV0-GS-GF-900345 for SNC LAR-16-018 (WEC LAR-09), ADS and IRWST Injection Blocking Device" (Non-Proprietary)

ENCLOSURE 1 to CAW-17-4555

AFFIDAVIT

April 26, 2017

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 declare 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

Date: \_\_\_\_\_

4/26/17

- (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 Nuclear Regulatory Commission’s (“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-GF-932, "Response to RFI SV0-GS-GF-900345 for SNC LAR-16-018 (WEC LAR-09), ADS and IRWST Injection Blocking Device" (Proprietary), for submittal to the Commission, being transmitted by Southern Nuclear Company (SNC) letter. The proprietary information as submitted by Westinghouse is that associated with SNC LAR 16-018 (WEC LAR-09), and the ADS and IRWST injection blocking device, and may be used only for that purpose.
- (a) This information is part of that which will enable Westinghouse to:
    - (i) Design and operate the AP1000 plant.

- (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 the AP1000 plant.
  - (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 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.

Further the deponent sayeth not.

ENCLOSURE 2 to CAW-17-4555

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.