

May 22, 2017

Ms. April R. Rice, Manager
Nuclear Licensing
New Nuclear Deployment
South Carolina Electric & Gas Company
P.O. Box 88
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Mr. James A. Gresham, Manager
Regulatory Compliance
Westinghouse Electric Company
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SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR VIRGIL C. SUMMER NUCLEAR STATION UNITS 2 AND 3, LAR 13-35, SUPPLEMENT 1, "RESPONSES TO NRC REQUEST FOR ADDITIONAL INFORMATION (RAI) REGARDING SCE&G REQUEST FOR LICENSE AMENDMENT 13-35: UPDATE OF COMMON QUALIFIED (COMMON Q) PLATFORM SOFTWARE PROGRAM MANUAL AND TOPICAL REPORT," (REFERENCE CAW-17-4553)

Dear Ms. Rice and Mr. Gresham:

By letter dated May 5, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17128A149), South Carolina Electric & Gas Company (SCE&G), on behalf of itself and the South Carolina Public Service Authority (together referred to as the licensee) submitted an affidavit (in Enclosure 7) dated May 5, 2017, signed by Ms. April Rice, and an affidavit (in Enclosure 8) dated April 17, 2017, signed by Mr. Paul Russ, that requested the information contained in Enclosure 6 of SCE&G's letter titled, "Proprietary Information Supporting SCE&G Responses to NRC Staff Request for Additional Information (RAI) Regarding LAR 13-35," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4), that relates to trade secrets and commercial or financial information obtained from a person that is considered privileged or confidential.

A nonproprietary (redacted) version of the document may be found in Enclosure 1 to the May 5, 2017 submittal. The document may be found in the Nuclear Regulatory Commission's (NRC) Public Document Room and has been added to the NRC Library in ADAMS at the previously referenced accession number.

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

1. The information is owned and 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. The information should be held in confidence for the following reasons (itemized in Enclosure 1 to the May 5, 2017 letter):

- (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 of a similar product.
3. There are sound policy reasons behind the Westinghouse system.
 4. The information was transmitted to and received by the Commission in confidence, and under the provisions of 10 CFR Section 2.390.
 5. The information is not available in public sources and to the best of Westinghouse's knowledge, has not been previously employed as public information.
 6. 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.

A. Rice
J. Gresham

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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.: 52-027
52-028

cc: see next page

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*via email

NRO-008

OFFICE	DNRL/LB4:PM	DNRL/LB4:LA	DNRL/LB4:BC	DNRL/LB4:PM
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DATE	05/22/17	05/18/17	05/22/17	05/22/17

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(Revised 05/03/2017)

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