



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

July 24, 2017

Mr. James J. Hutto
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
P.O. Box 1295 / Bin 038
Birmingham, AL 35201-1295

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2 (CAC NOS.
MF9685 AND MF9686)

Dear Mr. Hutto:

By letter dated April 21, 2017 (Agencywide Documents Access Management System Accession No. ML17116A098), you submitted an affidavit dated March 29, 2017, executed by Peter M. Yandow of GE-Hitachi Nuclear Energy Americas, LLC (GEH), requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Hutto, J.J., Southern Nuclear, letter to U.S. Nuclear Regulatory Commission (NRC), Subject, "Vogtle Electric Generating Plant – Units 1 & 2 Supplemental Response to NRC Generic Letter 2004-02," Enclosure 2, "Supplemental Response to NRC Generic Letter 2004-02," April 21, 2017.

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

- To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GEH, and is in fact so held. The information sought to be withheld has, to the best of GEH's knowledge and belief, consistently been held in confidence by GEH, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profitmaking opportunities. The information is part of GEH's comprehensive safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base

includes the value derived from providing analyses done with NRC-approved methods.

- The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GEH.
- GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

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, Enclosure 2, "Supplemental Response to NRC Generic Letter 2004-02," 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 Nuclear Regulatory Commission. 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, please, contact Mr. Michael Marshall at (301) 415-2871 or via email at Michael.Marshall@nrc.gov or contact me at (301) 415-3229 or Michael.Orenak@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Orenak". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Orenak".

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

Docket Nos. 50-424 and 50-425

cc: Peter M. Yandow
Vice President, NPP/Services Licensing
GE-Hitachi Nuclear Energy Americas, LLC
3901 Castle Hayne Road, MC/ A-65
Wilmington, NC 28401

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