



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 April 19, 2017, executed by James A. Gresham of Westinghouse Electric Company LLC (Westinghouse), 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:

- The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, is to be received in confidence by the Commission.
- 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.

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,



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: James A. Gresham, Manager
Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Cranberry Township, PA 16066

Distribution via Listserv

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