

August 17, 2017

Mr. B. H. Whitley, Director  
Regulatory Affairs  
Southern Nuclear Operating Company  
42 Inverness Center Parkway  
Birmingham, AL 35242

Mr. James A. Gresham, Manager  
Regulatory Compliance  
Westinghouse Electric Company  
1000 Westinghouse Drive  
Bldg 3, Suite 310  
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4, MAY 9, 2017 LETTER, ENCLOSURE 9, REGARDING "MAIN CONTROL ROOM EMERGENCY HABITABILITY SYSTEM CHANGES TO SATISFY POST-ACCIDENT PERFORMANCE REQUIREMENTS"

Dear Messrs. Whitley and Gresham:

By letter dated May 9, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17129A608), Southern Nuclear Operating Company (SNC/licensee) submitted affidavits in Enclosures 7 and 8 dated May 9 and May 5, 2017, and signed by Mr. Brian H. Whitley and Mr. Paul A. Russ, respectively, that requested the information contained in Enclosure 9, "Proprietary Information for Request for License Amendment and Proposed Changes to the Licensing Basis Documents," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 9 provides the proprietary text excerpts that are redacted from the Enclosure 1 and the licensing basis document changes in Enclosure 3.

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

1. The information has been held in confidence by Westinghouse Electric Company (Westinghouse) and SNC.
2. The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public; a rational basis exists for making this determination.
3. The information was transmitted to the Commission in confidence, under the provisions of 10 CFR 2.390.
4. The information is not available in public sources.
5. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner of the information.
6. SNC has a contractual relationship with Westinghouse to seek confidential and proprietary treatment of the information.

B. Whitley  
J. Gresham

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7. The information should be held in confidence for the following reasons (itemized as items (a) and (c) in Enclosure 9):
  - (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 a similar product.

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.

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.: 52-025  
52-026

cc: see next page

REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4, MAY 9, 2017 LETTER, ENCLOSURE 9, REGARDING "MAIN CONTROL ROOM EMERGENCY HABITABILITY SYSTEM CHANGES TO SATISFY POST-ACCIDENT PERFORMANCE REQUIREMENTS" DATED AUGUST 17, 2017.

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NRO-008

OFFICE	DNRL/LB4:PM	DNRL/LB4:LA	DNRL/LB4:BC	DNRL/LB4:PM
NAME	WGleaves(c)	RButler	JDixon-Herrity	WGleaves(s)
DATE	8/16/17	8/16/17	8/17/17	8/17/17

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(Revised 08/15/2017)

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