



Regulatory Affairs

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NOV 03 2017

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Docket Nos.: 50-424  
50-425

NL-17-1830

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D. C. 20555-0001

Vogtle Electric Generating Plant – Units 1 and 2  
Slides for SNC Non-Public Meeting on November 14, 2017

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC) hereby submits voluntarily the material to be presented at the November 14, 2017, non-public meeting with the Nuclear Regulatory Commission (NRC). In accordance with 10 CFR 2.390, *Public Exemptions, Request for Withholding*, SNC requests that the NRC withhold the enclosed information from public disclosure, as such information is considered both Business-Confidential and Proprietary.

SNC has included in Enclosure 2, a signed affidavit from FPoliSolutions, LLC, attesting to the proprietary nature of the information contained in Enclosure 3. Due to SNC's classification of this information as business-confidential, a non-proprietary version of this presentation has not been included as an enclosure to this letter.

This letter contains no NRC commitments. If you have any questions, please contact Ken McElroy at 205.992.7369.

Respectfully submitted,

J. J. Hutto  
Regulatory Affairs Director

JJH/KMO/cbg

Enclosure: 1. BUSINESS CONFIDENTIAL – Notice Regarding Meeting Classification  
2. FPoliSolutions, LLC Affidavit  
3. PROPRIETARY INFORMATION – Slides for November 14<sup>th</sup> Non-Public Meeting

cc: Regional Administrator  
NRR Project Manager – Vogtle 1 & 2  
Senior Resident Inspector – Vogtle 1 & 2  
RType: CVC7000

Abol  
NRR

**Vogle Electric Generating Plant – Units 1 and 2  
Slides for SNC Non-Public Meeting on November 14, 2017**

**Enclosure 2**

**FPoliSolutions, LLC Affidavit**

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AFFIDAVIT PURSUANT TO 10 CFR 2.390

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I, Cesare Frepoli, state as follows:

- (1) I am the President of FPoliSolutions, LLC, and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in Enclosure 3 to Southern Nuclear Operating Company (SNC) letter NL-17-1830. This Enclosure contains FPoliSolutions, LLC proprietary information.
- (3) In making this application for withholding of proprietary information of which it is the owner, FPoliSolutions, LLC relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975F2d871 (DC Cir. 1992), and *Public Citizen Health Research Group v. FDA*, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
  - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by FPoliSolutions, LLC competitors without license from FPoliSolutions, LLC constitutes a competitive economic advantage over other companies;
  - b. Information which, if used 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;
  - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of FPoliSolutions, LLC, its customers, or its suppliers;
  - d. Information which reveals aspects of past, present, or future FPoliSolutions, LLC customer funded development plans and programs, resulting in potential products to FPoliSolutions, LLC;
  - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a., (4)b., (4)c., and (4)d. above.

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by FPoliSolutions, LLC, and is in fact so held. The information sought to be withheld has, to

## AFFIDAVIT PURSUANT TO 10 CFR 2.390

the best of my knowledge and belief, consistently been held in confidence by FPoliSolutions, LLC, 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. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.

- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or subject to the terms under which it was licensed to FPoliSolutions, LLC.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside FPoliSolutions, LLC are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by FPoliSolutions, LLC at a significant cost to FPoliSolutions, LLC. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from FPoliSolutions' technical database and the results of evaluations performed by FPoliSolutions, LLC. A substantial effort has been expended by FPoliSolutions, LLC to develop this information. Release of this information would improve a competitor's position because it would enable FPoliSolutions' competitor to copy our technology and offer it for sale in competition with our company, causing us financial injury.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to FPoliSolutions' competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of FPoliSolutions' comprehensive safety analysis 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.

The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by FPoliSolutions, LLC.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

FPoliSolutions' competitive advantage will be lost if its competitors are able to use the results of the FPoliSolutions, LLC 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.

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**AFFIDAVIT PURSUANT TO 10 CFR 2.390**

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The value of this information to FPoliSolutions, LLC would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive FPoliSolutions, LLC of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of October 2017.

Cesare Frepoli  
President  
FPoliSolutions, LLC  
450 William Pitt Way  
Pittsburgh, PA 15238  
frepolc@fpolisolutions.com

AFFIDAVIT PURSUANT TO 10 CFR 2.390

STATE OF PENNSILVANIA )  
                                  )  
COUNTY OF ALLEGHENY )

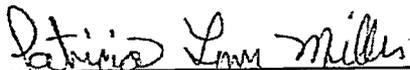
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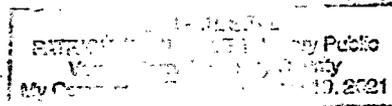
I, Cesare Frepoli, state that I am the President for FPoliSolutions, LLC, and that I am duly authorized to execute and file this affidavit on behalf of FPoliSolutions, LLC. To the best of my knowledge and belief, the statements contained in this document with respect to FPoliSolutions, LLC are true and correct.



Cesare Frepoli  
President  
FPoliSolutions, LLC

Sworn to and subscribed before me this 31 day of OCTOBER, 2017.

  
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Notary Public



My commission expires: Jan 10, 2021