



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

March 19, 2018

Mr. Brian 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
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Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE – VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4, LETTER DATED SEPTEMBER 29, 2017, REGARDING “HUMAN FACTORS ENGINEERING RESOLUTION VERIFICATION PROCESS REVISIONS (LAR-17-030)”

Dear Messrs. Whitley and Gresham:

By letter dated September 29, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17272A957), Southern Nuclear Operating Company (SNC/licensee) submitted affidavits in Enclosures 5 and 6 dated September 29, 2017, signed by Mr. Brian H. Whitley, and December 28, 2017, signed by Mr. Paul A. Russ, respectively, requesting the information contained in Enclosure 1B, titled, “Request for License Amendment: Human Factors Engineering Resolution Verification Process (Withheld Information) (LAR-17-030),” Enclosure 3, titled “Proposed Changes to Licensing Basis Documents (Withheld Information) (LAR-17-030),” and Enclosure 4, titled, “Pre-submittal Meeting Presentation (Withheld Information) (LAR-17-030),” be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390. Enclosure 1A provides to the general public the non-proprietary pages associated with proprietary Enclosure 1B. Enclosure 2 provides to the general public the non-proprietary pages associated with proprietary Enclosure 3. Because of its proprietary nature, the pre-submittal meeting information included in Enclosure 4 was discussed with U.S. Nuclear Regulatory Commission (NRC) staff at a non-public meeting on September 14, 2017, no public version is provided and the document is requested to be withheld in its entirety.

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

1. The information sought to be withheld from public disclosure is owned and held in confidence by SNC and Westinghouse Electric Company (Westinghouse).
2. The information is of a type customarily held in confidence by SNC and Westinghouse and not customarily disclosed to the public.

3. The release of the information might result in the loss of an existing or potential competitive advantage to SNC and/or Westinghouse.
4. The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence.
5. There are sound policy reasons behind the Westinghouse system.
6. The information was transmitted to the Commission in confidence, under the provisions of 10 CFR 2.390.
7. The information sought to by SNC is not available in public sources or available information has not been previously employed in the same manner or method, to the best of SNC and Westinghouse's knowledge and belief.
8. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of the Westinghouse and 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.
9. The release of information may harm SNC because SNC has a contractual relationship with Westinghouse regarding proprietary information. SNC is contractually obligated to seek confidential and proprietary treatment of the information.
10. The information should be held in confidence for the following reasons (identified as (a) and (c) in the enclosures):
 - (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

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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 301-415-5481.

Sincerely,

/RA/

William (Billy) Gleaves, Sr. Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-025
52-026

cc: see next page

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NRC RESPONSE TO REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE — VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4, LETTER DATED SEPTEMBER 29, 2017, REGARDING “HUMAN FACTORS ENGINEERING RESOLUTION VERIFICATION PROCESS REVISIONS (LAR-17-030)” DATED MARCH 19, 2018

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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	3/19/18	3/18/18	3/19/18	3/19/18

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(Revised 03/13/2018)

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