



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

March 27, 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  
Bldg. 3, Suite 310  
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE – VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4, LETTER DATED DECEMBER 15, 2017, REGARDING “INCREASE IN MSIV COMPARTMENT PRESSURE (LAR-17-028S1)”

Dear Messrs. Whitley and Gresham:

By letter dated December 15, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17349A928), Southern Nuclear Operating Company (SNC/licensee) submitted affidavits in Enclosures 5 and 6 dated December 15, 2017, signed by Ms. Amy G. Aughtman, and December 11, 2017, signed by Mr. Paul A. Russ, respectively, that apply to its request that information contained in Enclosure 4, titled, “Response to NRC Request for Additional Information (LAR-17-028S1) (Withheld Information),” be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, “Public Inspections, Exemptions, Requests for Withholding.” Enclosure 3 provides to the general public the non-proprietary pages associated with proprietary Enclosure 4.

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 and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
7. The information sought to be protected 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 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 U.S. Nuclear Regulatory Commission (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 Enclosure 8):
  - (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.

B. Whitley  
J. Gresham

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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, 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

B. Whitley  
J. Gresham

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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 DECEMBER 15, 2017, REGARDING "INCREASE IN MSIV COMPARTMENT PRESSURE (LAR-17-028S1)" DATED MARCH 27, 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	3/27/18	3/26/18	3/27/18	3/27/18

**OFFICIAL RECORD COPY**

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(Revised 03/13/2018)

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