



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

October 11, 2018

Mr. Brian H. Whitley, Director
Regulatory Affairs
Southern Nuclear Operating Company
3535 Colonnade Parkway, Bin N-226-EC
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 FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 – SEPTEMBER 28, 2018 LETTER, ENCLOSURE 12, “SUPPLEMENT TO REQUEST FOR LICENSE AMENDMENT AND EXEMPTION: CONTAINMENT PRESSURE ANALYSIS (LAR-17-043S1)”

Dear Messrs. Whitley and Gresham:

By letter dated September 28, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18271A188), Southern Nuclear Operating Company (SNC) submitted affidavits in Enclosures 14 and 15, dated September 28, 2018 and August 22, 2018, signed by Mr. Brian H. Whitley and Ms. Jill S. Monahan, respectively, requesting the information contained in Enclosure 12 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 11 of the September 28, 2018, letter provides the non-proprietary version of Enclosure 12.

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 (WEC).
2. The information is of a type customarily held in confidence by SNC and WEC 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 WEC.
4. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public. WEC 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 WEC system.
6. The information was transmitted to the Commission in confidence, under the provisions of 10 CFR 2.390.
7. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC 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's requirements for licensing documentation without purchasing the right to use the information.

8. The release of information may harm SNC because SNC has a contractual relationship with WEC regarding proprietary information. SNC is contractually obligated to seek confidential and proprietary treatment of the information.
9. 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 WEC's knowledge and belief.
10. The information should be held in confidence for the following reasons (itemized as items (a) and (c) in Enclosure 11):
 - (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of WEC's competitors without license from WEC 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 affidavits, 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.

B. Whitley
J. Gresham

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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 Licensing, Siting, and
Environmental Analysis
Office of New Reactors

Docket Nos.: 52-025
52-026

cc: see next page

B. Whitley
J. Gresham

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NRO-008

OFFICE	DLSE/LB4:PM	DLSE/LB4:LA	DLSE/LB4:BC	DLSE/LB4:PM
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DATE	10/11/18	10/9/18	10/11/18	10/11/18

OFFICIAL RECORD COPY

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(Revised 08/16/2018)

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