



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

December 30, 2020

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

Ms. Camille T. Zozula, Manager  
Infrastructure & Facilities Licensing  
Westinghouse Electric Company  
1000 Westinghouse Drive  
Suite 165  
Cranberry Township, PA 16066

SUBJECT: RESPONSE TO REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 – “REQUEST FOR ALTERNATIVE: ALTERNATIVE REQUIREMENTS FOR ASME SECTION XI EXAMINATION COVERAGE OF WELDOLET BRANCH CONNECTION WELDS (VEGP 3&4-PSI/ISI-ALT-15)”

REFERENCE: CAW-20-5130

Dear Mr. Whitley and Ms. Zozula:

By letter dated December 23, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20358A179), Southern Nuclear Operating Company (SNC) submitted affidavits, in Enclosures 4 and 5, signed by Mr. Zachary S. Harper, dated December 16, 2020, and Ms. Kelli A. Roberts dated December 23, 2020, respectively, requesting the information contained in Enclosure 2 to the letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The non-proprietary (public) version of the proprietary Enclosure 2 may be found in ADAMS at Accession No. ML20358A182.

The affidavits stated that, pursuant to 10 CFR 2.390, 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.
2. The information is of a type customarily held in confidence by SNC and Westinghouse Electric Company 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 Electric Company.
4. Public disclosure of the proprietary information is likely to cause substantial harm to the competitive position of 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.

The information should be held in confidence for the following reasons (itemized as items (a), (c), and (e) in Enclosure 3:

- (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.
- (e) The information reveals aspects of past, present, or future Westinghouse- or customer-funded development plans and programs of potential commercial value to Westinghouse.

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.

If you have any questions regarding this matter, I may be reached at 301-415-5848.

Sincerely,

*/RA/*

William "Billy" Gleaves, Sr. Project Manager  
Vogtle Project Office  
Office of Nuclear Reactor Regulation

Docket Nos.: 52-025  
52-026

cc: see next page

B. Whitley  
C. Zozula

RESPONSE TO REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 – “REQUEST FOR ALTERNATIVE: ALTERNATIVE REQUIREMENTS FOR ASME SECTION XI EXAMINATION COVERAGE OF WELDOLET BRANCH CONNECTION WELDS (VEGP 3&4-PSI/ISI-ALT-15)” DATED: DECEMBER 30, 2020

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**ADAMS Accession No. ML20364A193**

**NRR-106**

OFFICE	NRR/VPO:PM	NRR/VPO:LA	NRR/VPO:BC	NRR/VPO:PM
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**OFFICIAL RECORD COPY**

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(Revised 9/18/2020)

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