



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

March 31, 2022

Anthony J. Schoedel
Westinghouse Electric Company, LLC
1000 Westinghouse Drive, CWHQ-1, 258F
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR WESTINGHOUSE ELECTRIC COMPANY, LLC EVINCI WHITE PAPERS: EVR-LIC-G0-001 (REVISION 0), EVR-LIC-GL-003 (REVISION 0), EVR-SAR-GL-001 (REVISION 0), AND EVR-SAR-GL-002 (REVISION 0). (EPID NOS.: L-2021-LRO-0067, L-2021-LRO-0068, L-2021-LRO-0069, L-2021-LRO-0070)

Dear Mr. Schoedel:

By letter dated December 9, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21344A063), you submitted an affidavit executed by you for Westinghouse Electric Company, LLC (WEC) to the U.S. Nuclear Regulatory Commission (NRC), requesting that the agency withhold the information contained in the following four White Papers from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390, "Public Inspections, Exemptions, Requests for Withholding":

EVR-LIC-G0-001, Revision 0, "Facility Level Design Description"

EVR-LIC-GL-003, Revision 0, "Principal Design Criteria"

EVR-SAR-GL-001, Revision 0, "Safety and Accident Analysis Methodologies"

EVR-SAR-GL-002, Revision 0, "Licensing Basis Event Identification, SSC Classification and Defense-in-Depth Adequacy"

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

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, public disclosure of this proprietary information is likely to cause substantial harm to the competitive position

of Westinghouse because it 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 NRC staff has reviewed the affidavit and the subject material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld, contains proprietary commercial information and should be withheld from public disclosure. Therefore, the NRC will withhold the versions of the submitted information marked as proprietary 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 the submittals from public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the NRC may send copies of the information to its consultants working in this area. The NRC will ensure that the consultants have signed the appropriate agreements for handling proprietary information.

Withholding the submittals from public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the NRC may send copies of the information to its consultants working in this area. The NRC will 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, WEC should promptly notify the NRC staff. WEC 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 WEC information. In all review situations, the NRC will follow applicable laws, regulations, and policies in conducting its review, including the NRC's policies on notifying the owner of information in advance of any public disclosure.

A. Schoedel

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If you have any questions regarding this matter, please contact me at (301) 415-1322 or via email to Donna.Williams@nrc.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Williams".

Signed by Williams, Donna
on 03/31/22

Donna Williams, Senior Project Manager
Advanced Reactors Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No.: 99902079

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NRR-084

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NAME	DWilliams	CSmith	WKennedy	DWilliams
DATE	12/17/2021	02/7/2022	03/16/2022	03/31/2022

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