Westinghouse Non-Proprietary Class 3

AFFIDAVIT AW-22-014

Commonwealth of Pennsylvania:

County of Butler:

(1)   I, Anthony Schoedel, Manager, eVinci Licensing & Configuration Management, have been specifically delegated and authorized to apply for withholding and execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse).

(2)   I am requesting EVR-LIC-G0-002, Revision 0; EVR-LIC-G0-003, Revision 0; EVR-SEC-G0-001, Revision 0; EVR-PGD-GL-001, Revision 0; EVR-SAR-GL-003, Revision 0; and EVR-PLD-GL-001, Revision 0 be withheld from public disclosure under 10 CFR 2.390.

(3)   I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged, or as confidential commercial or financial information.

(4)   Pursuant to 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

    (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.

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(5)   Westinghouse has policies in place to identify proprietary information. Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

(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.

(b)   It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).

(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.

(d)   It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.

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

(f)   It contains patentable ideas, for which patent protection may be desirable.

(6)   The attached submittal contains proprietary information throughout, for the reasons set forth in Sections (5)(a) through (f) of this Affidavit. Accordingly, a redacted version would be of no value to the public.

I declare that the averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 3/31/2022

Anthony J. Schoedel

Signed electronically by

Anthony Schoedel