



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

July 8, 2022

Mr. Brian H. Whitley, Director  
Regulatory Affairs  
Southern Nuclear Operating Company  
3535 Colonnade Parkway  
Birmingham, AL 35243

Ms. Camille T. Zozula, Manager  
Infrastructure & Facilities Licensing  
Westinghouse Electric Company  
1000 Westinghouse Drive  
Building 2, Suite 259  
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 – JUNE 15, 2022, LETTER, “UPDATED  
FINAL SAFETY ANALYSIS REPORT, TIER 1, TECHNICAL REQUIREMENTS  
MANUAL AND TECHNICAL SPECIFICATIONS BASES ANNUAL SUBMITTAL”

REFERENCE: CAW-19-4876

Dear Mr. Whitley and Ms. Zozula:

By letter dated June 15, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22167A119), Southern Nuclear Operating Company (SNC) and Westinghouse Electric Company submitted affidavits, in Enclosures 6 and 7, signed by Mr. Brian H. Whitley dated June 15, 2022, and Mr. Zachary S. Harper, dated March 21, 2019, 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), Section 2.390, “Public inspections, exemptions, requests for withholding.” The non-proprietary (public) version of the proprietary Enclosure 2 may be found in Enclosure 1 in ADAMS at Accession No. ML22179A145.

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 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. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
5. 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 U.S. Nuclear Regulatory Commission (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) and (c)) in Enclosure 1:

- (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 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,



Signed by Gleaves, William  
on 07/08/22

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

Docket Nos.: 52-025  
52-026

cc: K. Roberts, SNC  
S. Leighty, SNC

Resp To Request For Withholding Proprietary Info. from Public Disclosure for the Vogtle Elec Gen. Plant, Units 3 and 4 - June 15, 2022, Letter, Updated Final SAR, Tier 1, TRM, Tech Specs DATE July 8, 2022

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**ADAMS Accession No.: Ltr ML22182A431**

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NAME	WGleaves <i>WG</i>	RButler <i>RB</i>	VHall <i>VH</i>	WGleaves <i>WG</i>
DATE	Jul 5, 2022	Jul 8, 2022	Jul 8, 2022	Jul 8, 2022

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