



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

September 28, 2022

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE RE: LICENSE AMENDMENT REQUEST AND EXEMPTIONS TO ALLOW USE OF LEAD TEST ASSEMBLIES FOR ACCIDENT TOLERANT FUEL - ENCLOSURE 1, "SNC [SOUTHERN NUCLEAR OPERATING COMPANY] RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION ATTACHMENT 2 PROPRIETARY RESPONSE TO QUESTIONS 2 - 6" (EPID L-2022-LLA-0097, L-2022-LLE-0020, L-2022-LLE-0021, and L-2022-LLE-0022)

Dear Ms. Gayheart:

By letter dated September 13, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22256A198), Southern Nuclear Operating Company (SNC) submitted a response to U.S. Nuclear Regulatory Commission (NRC) requests for information regarding license amendment request and exemptions to allow use of lead test assemblies (LTAs) for accident tolerant fuel (ATF).

In Enclosure 1, Attachment 4 of the letter dated September 13, 2022, SNC submitted an affidavit dated September 2, 2022, executed by Zachary Harper, Manager, Licensing Engineering, Westinghouse Electric Company LLC (Westinghouse), requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Enclosure 1 – SNC Response to Requests for Additional Information, Attachment 2, Proprietary Response to Questions 2-6

A nonproprietary copy of this document contained in Enclosure 1, Attachment 3 of the letter dated September 13, 2022, has been placed in the NRC's Public Document Room and added to the NRC Library (ML22256A198).

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

- (5)(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.

- (5)(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.

The NRC staff has 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 affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version 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. The NRC staff 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, please contact me at 301-415-3100 or John.Lamb@nrc.gov.

Sincerely,

/RA/

John G. Lamb, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-424 and 50-425

cc: Camille T. Zozula
Manager, Regulatory Compliance &
Corporate Licensing
Ref. CAW-21-5215
Westinghouse Electric Company
1000 Westinghouse Drive
Cranberry Township, PA 16066

Listserv

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