



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

February 3, 2023

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 TO ALLOW USE OF LEAD TEST ASSEMBLIES FOR ACCIDENT TOLERANT FUEL – ENCLOSURE 2, “RESPONSE TO NRC AUDIT QUESTIONS RELATED TO HBHE [HIGH BURNUP HIGH ENRICHMENT] LTA [LEAD TEST ASSEMBLY] – CHROMIUM COATED CLADDING EMISSIVITY ATTACHMENT 1 – PROPRIETARY” EPID L-2022-LLA-0097)

Dear Ms. Gayheart:

By letter dated January 20, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23020A147 (Proprietary) and ML23020A148 (Public)), Southern Nuclear Operating Company (SNC) submitted a supplement to U.S. Nuclear Regulatory Commission (NRC) regarding license amendment request (LAR) to allow use of lead test assemblies (LTAs) for accident tolerant fuel (ATF).

In Enclosure 3 of the letter dated January 20, 2023, SNC submitted an affidavit dated January 18, 2023, executed by Anthony Schoedel, Manager, eVinci Licensing & Configuration Management, on behalf of 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 2 – Response to NRC Audit Questions Related to HBHE [high burnup high enrichment] LTA - Chromium Coated Cladding Emissivity, Attachment 1 – Proprietary.

A nonproprietary copy of this document contained in Enclosure 2, Attachment 2 of the letter dated January 20, 2023, has been placed in the U.S. Nuclear Regulatory Commission’s (NRC’s) Public Document Room and added to the NRC Library at the above-referenced ADAMS Accession No. ML23020A148.

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, because 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](mailto: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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**ADAMS Accession No. ML23024A110**

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