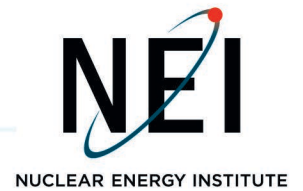


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July 24, 2023

Eric Benner
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Application for Withholding from Public Disclosure Confidential Commercial Information in July 24, 2023, Letter Titled "Request for Review Nuclear Energy Institute Technical Report NEI 20-07, "Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems""

Project Number: 689

Dear Mr. Benner:

The Nuclear Energy Institute (NEI)¹, requests that the U.S. Nuclear Regulatory Commission (NRC) withhold NEI Technical Report NEI 20-07, "Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems," (NEI 20-07) from public disclosure. NEI 20-07 contains confidential commercial information owned by NEI and was provided to the NRC staff as an enclosure to the letter identified below in subparagraph 1.

(1) July 24, 2023, NEI letter to the NRC titled "Request for Review Nuclear Energy Institute Technical Report NEI 20-07, " Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems"

NEI is voluntarily providing NEI 20-07 to the NRC to support a request for NRC review on new recommendations to address the new, expanded digital I&C common cause failure policy, SRM-SECY-22-0076.

A copy of the affidavit submitted in support of this nondisclosure request is included as Attachment 1 to this letter. The affidavit sets forth the basis on which the information should be withheld from public disclosure and addresses applicable factors in 10 CFR 2.390(b). A copy of NEI 20-07 is marked as required by 10 CFR

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

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2.390(b) and is included as Attachment 2 to this letter. A redacted copy of NEI 20-07 that is suitable for public disclosure is also attached to this letter as Attachment 3.

NEI 20-07 is provided for the internal use of NRC only and may be used only for the purpose for which it is being released by NEI. NEI 20-07 should not be otherwise used or disclosed to any other persons without prior written permission from NEI. Accordingly, we respectfully request that the NRC withhold NEI 20-07 from public disclosure in accordance with 10 CFR 2.390.

If the NRC determines that NEI 20-07 cannot be withheld pursuant to 10 CFR 2.390, then we respectfully withdraw the document and request that it be returned pursuant to 10 CFR 2.390(c)(3).

Please contact me at adc@nei.org with any questions concerning this nondisclosure request or the contents of the letter.

Sincerely,



Alan Campbell

Attachments:

Attachment 1 Affidavit

Attachment 2 NEI 20-07

Attachment 3 NEI 20-07, redacted and suitable for public disclosure

c: Samir Darbali (NRR/DEX/ELTB)
Michael Marshall (NRR/DORL/LPL1)
Jason Paige (NRR/DEX/ELTB)
NRC Document Control Desk