



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

September 8, 2023

Ms. Jamie M. Coleman, Director
Regulatory Affairs
Southern Nuclear Operating Company, Inc.
3535 Colonnade Parkway, Bin-N-274-EC
Birmingham, AL 35243

Ms. Camille T. Zozula, Manager
Infrastructure & Facilities Licensing
Westinghouse Electric Company 1000
Westinghouse Drive, Suite 165
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE - VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4
NOTIFICATION OF FULL COMPLIANCE OF REQUIRED ACTION FOR NRC
ORDER EA-12-049 MITIGATION STRATEGIES FOR BEYOND-
DESIGN-BASIS EXTERNAL EVENTS

Dear Ms. Coleman and Ms. Zozula:

By letter dated August 21, 2023 (Agencywide Documents Access and Management System Accession No. (ADAMS) ML23233A123), Southern Nuclear Operating Company (SNC) submitted an affidavit dated August 17, 2023, executed by Zachary Harper 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):

- Notification of Full Compliance of Required Action for NRC Order EA-12-049 Mitigation Strategies for Beyond-Design-Basis External Events, Final Integrated Plan

A nonproprietary copy of this document has been added to the U.S. Nuclear Regulatory Commission's Library in ADAMS (ML23233A124).

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

- 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. 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.

- iv. The release of the information might result in the loss of an existing or potential competitive advantage.
 - (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 affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions 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.

J. Coleman, et al.

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If you have any questions regarding this matter, I may be reached at 301-415-7270.

Sincerely,

Cayetano Santos Jr., Senior Project Manager
Vogtle Project Office
Office of Nuclear Reactor Regulation

Docket Nos. 52-025, 52-026

cc: Listserv

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NRR-084

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NAME	CSantos	RButler	LNist	CSantos
DATE	8/20/2023	9/5/2023	9/6/2023	9/8/2023

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