



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

August 28, 2024

Mr. Anthony Schoedel, Manager
Advanced Reactors Licensing Engineering
Westinghouse Electric Company, LLC.
51 Bridge Street
Pittsburgh, PA 15223

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR WESTINGHOUSE ELECTRIC COMPANY, LLC'S., LETTER TITLED "SUBMITTAL OF WESTINGHOUSE COMMENTS ON THE DRAFT SAFETY EVALUATION FOR TOPICAL REPORTS: "ADVANCED LOGIC SYSTEM® V2 PLATFORM" AND "ADVANCED LOGIC SYSTEM® V2 DEVELOPMENT PROCESS"

Dear Mr. Schoedel:

By letter dated May 30, 2024, Westinghouse Electric Company, LLC., (Westinghouse) submitted an affidavit dated May 30, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24151A209), to the U.S. Nuclear Regulatory Commission (NRC) staff requesting that the information contained in the following documents 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:"

EVR_LTR_240132, "Submittal of Westinghouse comments on the draft Safety Evaluation for Topical Reports: "Advanced Logic System® v2 Platform" and "Advanced Logic System® v2 Development Process" including:

Enclosure 2: Marked-up draft SE (PROPRIETARY)

Enclosure 3: Table of Westinghouse comments (PROPRIETARY)

The affidavit 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. Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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.

Westinghouse stated that the information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers, or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

Westinghouse has concluded that the report referenced above contains proprietary information throughout, for the reasons set forth in Sections (a) through (f).

The NRC staff has reviewed the affidavit and the subject material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the NRC will withhold the version of the submitted information marked as proprietary 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 the public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the NRC staff may send copies

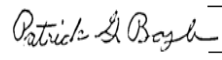
of the information to consultants working in this area. The NRC staff will ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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, Westinghouse should promptly notify the NRC staff. Westinghouse also should understand that the NRC staff may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request includes Westinghouse information.

In all review situations, the NRC staff will follow applicable laws, regulations, and policies in conducting its review, including the NRC's policies regarding notifying the owner of the information in advance of any public disclosure.

If you have any questions regarding this matter, please contact me at (301) 415-3936 or via email at Patrick.Boyle@nrc.gov.

Sincerely,

 Signed by Boyle, Patrick
on 08/28/24

Patrick Boyle, Project Manager
Advanced Reactor Licensing Branch 2
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project No.: 99902079

cc: Westinghouse eVinci GovDelivery
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