



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

May 1, 2019

Mr. Brian H. Whitley, Director
Regulatory Affairs
Southern Nuclear Operating Company
3535 Colonnade Parkway, Bin N-226-EC
Birmingham, AL 35243

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

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 – APRIL 23, 2019, LETTER ND-19-0340, “TRANSMITTAL OF PROPRIETARY PRESENTATION SLIDES FOR NRC PUBLIC MEETING ON APRIL 11, 2019”

REFERENCE: CAW-19-4884

Dear Mr. Whitley and Ms. Zozula:

By letter dated April 11, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19113A083), Southern Nuclear Operating Company (SNC) submitted an affidavit in Enclosures 3 and 4, dated April 23, 2019 and April 2, 2019, signed by Mr. Brian H. Whitley and Mr. Zachary S. Harper, respectively, requesting the information contained in Enclosure 2 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 1 of the letter provides the non-proprietary version of the presentation slides.

The affidavits stated that, pursuant to 10 CFR 2.390, the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure is owned and held in confidence by SNC and Westinghouse Electric Company (Westinghouse).
2. The information is of a type customarily held in confidence by SNC and Westinghouse and not customarily disclosed to the public.
3. The release of the information might result in the loss of an existing or potential competitive advantage to SNC and/or Westinghouse.
4. Public disclosure of the proprietary information is likely to cause substantial harm to the competitive position of Westinghouse and 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.

The information should be held in confidence for the following reasons (itemized as items (a) and (c) in Enclosures 1 and 2:

- (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 affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version(s) 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.

If you have any questions regarding this matter, I may be reached at 301-415-5848.

Sincerely,

/RA/

William "Billy" Gleaves, Sr. Project Manager
Licensing Branch 2
Division of Licensing, Siting, and
Environmental Analysis
Office of New Reactors

Docket Nos.: 52-025
52-026

cc: see next page

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NRO-008

OFFICE	DLSE/LB2:PM	DLSE/LB2:LA	DLSE/LB2:BC	DLSE/LB2:PM
NAME	WGleaves (c)	RButler	JDixon-Herrity	WGleaves (s)
DATE	4/30/19	4/28/19	4/30/19	5/01/19

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Vogtle Units 3 & 4 Mailing List
cc:

(Revised 08/16/2018)

Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334

Resident Inspector
Vogtle Plant Units 3 & 4
8805 River Road
Waynesboro, GA 30830

Resident Manager
Oglethorpe Power Corporation
Alvin W. Vogtle Nuclear Plant
7821 River Road
Waynesboro, GA 30830

Mr. Barty Simonton
Team Leader
Environmental Radiation Program
Air Protection Branch
Environmental Protection Division
4244 International Parkway, Suite 120
Atlanta, GA 30354-3906

Southern Nuclear Operating Company, Inc.
Document Control Coordinator Bin N-226-EC
3535 Colonnade Parkway
Birmingham, AL 35243

George B. Taylor, Jr.
2100 East Exchange Pl
Atlanta, GA 30084-5336

Anne F. Appleby
Oglethorpe Power Corporation
2100 East Exchange Place
Tucker, GA 30084

Brian H. Whitley
3535 Colonnade Parkway, Bin N-226-EC
42 Inverness Center Parkway, BIN B237
Birmingham, AL 35243

County Commissioner
Office of the County Commissioner
Burke County Commission
Waynesboro, GA 30830

Mr. Michael Yox
Site Regulatory Affairs Director
Vogtle Units 3 & 4
7825 River Road, Bin 63031
Waynesboro, GA 30830

Mr. Wayne Guilfoyle
Commissioner District 8
Augusta-Richmond County Commission
4940 Windsor Spring Rd
Hephzibah, GA 30815

Gwendolyn Jackson
Burke County Library
130 Highway 24 South
Waynesboro, GA 30830

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
Atlanta, GA 30334

Vogle Units 3 & 4 Mailing List

Email

acchambe@southernco.com (Amy Chamberlian)
agaughtm@southernco.com (Amy Aughtman)
ALPUGH@southernco.com (Amanda Pugh)
awc@nei.org (Anne W. Cottingham)
becky@georgiawand.org (Becky Rafter)
bhwhitley@southernco.com (Brian Whitley)
Bill.Jacobs@gdsassociates.com (Bill Jacobs)
bjadams@southernco.com (Brad Adams)
bwwaites@southernco.com (Brandon Waites)
castelca@westinghouse.com (Curtis Castell)
comerj@westinghouse.com (James Comer)
crpierce@southernco.com (C.R. Pierce)
dahjones@southernco.com (David Jones)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dgbost@southernco.com (Danny Bost)
dfulton@southernco.com (Dale Fulton)
drculver@southernco.com (Randy Culver)
durhamdc@westinghouse.com (David Durham)
ed.burns@earthlink.net (Ed Burns)
edavis@pegasusgroup.us (Ed David)
erg-xl@cox.net (Eddie R. Grant)
fdhundle@southernco.com (Forrest Hundley)
fhwillis@southernco.com (Fred Willis)
G2NDRMDC@southernco.com (SNC Document Control)
graysw@westinghouse.com (Scott W. Gray)
jadwilli@southernco.com (J.D. Williams)
james1.beard@ge.com (James Beard)
jannina.blanco@pillsburylaw.com (Jannina Blanco)
jantol1dj@westinghouse.com (David Jantosik)
jenmorri@southernco.com (Jennifer Buettner)
JHaswell@southernco.com (Jeremiah Haswell)
jim@ncwarn.org (Jim Warren)
John.Bozga@nrc.gov (John Bozga)
Joseph_Hegner@dom.com (Joseph Hegner)
jpredd@southernco.com (Jason R. Redd)
jranalli@meagpower.org (Jerry Ranalli)
karen.patterson@ttnus.com (Karen Patterson)
karlg@att.net (Karl Gross)
kmstacy@southernco.com (Kara Stacy)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
markus.popa@hq.doe.gov (Markus Popa)

Vogle Units 3 & 4 Mailing List

Matthew.Williams@hq.doe.gov (Matthew Williams)
mdmeier@southernco.com (Mike Meier)
media@nei.org (Scott Peterson)
Melissa.Smith@Hq.Doe.Gov (Melissa Smith)
Michael.Kuca@hq.doe.gov (Michael Kuca)
mike.price@opc.com (M.W. Price)
MKWASHIN@southernco.com (MKWashington)
mlgraves@southernco.com (Michelle Graves)
MSF@nei.org (Marvin Fertel)
myox@southernco.com (Mike Yox)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
r.joshi15@comcast.net (Ravi Joshi)
RJB@NEI.org (Russell Bell)
Ronald.Jones@scana.com (Ronald Jones)
rwink@ameren.com (Roger Wink)
sabinski@suddenlink.net (Steve A. Bennett)
sara@cleanenergy.org (Sara Barczak)
sblanton@balch.com (Stanford Blanton)
Shiva.Granmayeh@hq.doe.gov (Shiva Granmayeh)
sjackson@meagpower.org (Steven Jackson)
skauffman@mpr.com (Storm Kauffman)
sroetger@psc.state.ga.us (Steve Roetger)
stephan.moen@ge.com (Stephan Moen)
stephen.burdick@morganlewis.com (Stephen Burdick)
tom.miller@hq.doe.gov (Tom Miller)
TomClements329@cs.com (Tom Clements)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
vcsummer2n3@gmail.com (Brian McIntyre)
wasparkm@southernco.com (Wesley A. Sparkman)
wayne.marquino@gmail.com (Wayne Marquino)
weave1dw@westinghouse.com (Doug Weaver)
x2gabeck@southernco.com (Gary Becker)
x2kmseib@southernco.com (Kristin Seibert)