

May 17, 2004

Mr. L. M. Stinson, Jr.  
Vice President  
Southern Nuclear Operating Company, Inc.  
40 Inverness Center Parkway  
P.O. Box 1295  
Birmingham, Alabama 35201

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR FARLEY NUCLEAR PLANT, UNITS 1 AND 2

Dear Mr. Stinson:

By letter dated April 22, 2004, Southern Nuclear Operating Company, Inc. (SNC), submitted an affidavit dated April 14, 2004, by Westinghouse, the owner of the information, to request that the proprietary information appropriately marked in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

WCAP-12825, Addendum 1, "Technical Justification for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for the Joseph M. Farley Units 1 and 2 Nuclear Power Plant for the License Renewal Program" (Proprietary), dated December 2002.

A non-proprietary version of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Library.

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

The proprietary version of WCAP-12825, Addendum 1, contains proprietary commercial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(b)(4).

Please be aware that 10 CFR 2.790 has been designated 10 CFR 2.390 with no modification, effective February 13, 2004, in *Federal Register* 69 FR 2182. We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, 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)(4) 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 should also 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) 415-1315 or by e-mail at [tyl1@nrc.gov](mailto:tyl1@nrc.gov).

Sincerely,

*/RA/*

Tilda Y. Liu, Project Manager  
License Renewal Section A  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-348 and 50-364

L. M. Stinson

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Sincerely,

*/RA/*

Tilda Y. Liu, Project Manager  
License Renewal Section A  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-348 and 50-364

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