

August 6, 2008

Mr. Tom E. Tynan
Vice President - Vogtle
Vogtle Electric Generating Plant
7821 River Road
Waynesboro, GA 30830

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS.
MC4727 AND MC4728)

Dear Mr. Tynan:

By letter dated February 28, 2008, and affidavit dated February 22, 2008, executed by Tim E. Abney of General Electric Hitachi Nuclear Energy Americas LLC (GEH) of Enclosure 3 to your letter dated February 28, 2008, you submitted a supplemental response to Generic Letter (GL) 2004-02, dated September 13, 2004, "Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors," for Vogtle Electric Generating Plant, Units 1 and 2, and requested that GEH proprietary document, "Vogtle Electric Generating Plant Supplemental Response to NRC GL 2004-02 (Proprietary)," (Enclosure 1 to your February 28, 2008 letter) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Paragraph (b)(4), Section 2.390.

A nonproprietary copy of this document, Enclosure 2 of your letter dated February 28, 2008, "Vogtle Electric Generating Plant Supplemental Response to NRC GL 2004-02," has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEHs competitors without license from GEH constitutes a competitive economic advantage over other companies; and
- (b) Information which, if used 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 of a similar product.

The NRC staff reviewed your application and the material within your February 28, 2008 submittal and found several paragraphs which appeared to be more appropriately non-proprietary. These points were discussed with your staff in March 2008.

We have reviewed your application as supplemented by your May 21, 2008 letter and enclosures. We have found that the revised non-proprietary enclosure in the May 21, 2008 adequately addressed and included the information we believed should be made public from the February 28, 2008 proprietary enclosure. Therefore, the originally processed proprietary enclosure from your February 28, 2008 submittal and the changed pages included as proprietary in your May 21, 2008 letter have been reviewed and in accordance with the requirements of 10 CFR 2.390 and upon the basis of your statements, we 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 within your submittals of February 28, 2008 and May 21, 2008 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 301-415-2728.

Sincerely,

/RA/

R. A. Jervy, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

cc: See next page

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R. A. Jervy, Project Manager
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Docket Nos. 50-424 and 50-425

cc: See next page

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NAME	RJervy	GLappert	MScott	MWong
DATE	7/11/08	7/8/08	7/14/08	8/6/08

OFFICIAL RECORD COPY

Vogtle Electric Generating Plant, Units 1 & 2

cc:

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