

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. MD9148 AND MD9149)

Dear Mr. Tynan:

By application dated June 27, 2008, and supporting affidavits dated January 31, 2008 and March 18, 2008, executed by J. A. Gresham of Westinghouse Electric Company LLC through Westinghouse letters CAW-08-2449 and CAW-08-2402 (Enclosures 4 and 7 to your letter dated June 27, 2008), you submitted an application for license amendment to revise Technical Specification (TS) Sections TS 5.5.9, "Steam Generator (SG) Program," and TS 5.6.10, "Steam Generator Tube Inspection Report," for interim alternate repair criterion for Vogtle Electric Generating Facility Operating License Nos. NPF-68 and NPF-81 for Unit 1 and Unit 2, respectively, and requested that Westinghouse proprietary documents, LTR-CDME-08-11 P, "Interim Alternate Repair Criterion (ARC) for Cracks in the Lower Region of the Tubesheet Expansion Zone," and LTR-CDME 08-43 P-Attachment, "Response to NRC Request for Additional Information Relating to LTR-CDME-08-11 P-Attachment," 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 Enclosures 4 and 7 are included in your application as Enclosures 5 and 8, respectively. Enclosures 5 and 8 have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (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.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

T. Tynan

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The NRC has 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)(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. The NRC 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 RMartin for/

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

T. Tynan

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Sincerely,

/RA RMartin for/

R. A. Jervey, 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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Vogtle Electric Generating Plant, Units 1 & 2

cc:

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