

May 4, 2009

Mr. Joseph A. (Buzz) Miller
Senior Vice President
Southern Nuclear Operating Company
P.O. Box 1295
Birmingham, AL 35201

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR UNITS 3 AND 4

Dear Mr. Miller:

By letter to the Nuclear Regulatory Commission (NRC) dated March 28, 2008, Southern Nuclear Operating Company (SNC) submitted an affidavit dated March 28, 2008, executed by Mr. Joseph A. (Buzz) Miller, requesting that certain information contained in your application for combined operating licenses for Units 3 and 4 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

A nonproprietary copy of this document has been placed in the NRC's 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 pursuant to the provisions of 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4), for the following reasons:

- a. The information sought to be withheld from public disclosure is owned by SNC and has been held in confidence by SNC and its Principals.
- b. The information sought to be protected is not available to the public to the best of SNC's knowledge and belief.
- c. The information is of the type that would customarily be held in confidence by SNC. This financial information consists of SNC's projection for construction, financing and fuel supply costs. Public disclosure of this information is likely to cause harm to SNC because it would allow contractors, vendors, and competitors to understand SNC's competitive position and schedule prior to securing the related contracts and services.
- d. The proprietary information sought to be withheld from public disclosure is identified in Enclosure 2 to Southern Nuclear letter number AR-08-0436 and is marked as proprietary as it appears in the Enclosure.
- e. The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.
- f. Information related to critical infrastructure and key resources required to be protected from attack under Homeland Security Presidential Directive (HSPD-7) dated December 17, 2003 is considered particularly sensitive information needing protection from security breaches and harmful consequences. This internally-generated information will be withheld under 10 CFR §§ 2.390(a)(2) and (a)(5).

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 versions 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 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 301-415-1387.

Sincerely,

/RA/

Tanya Simms, Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-025 and 52-026

cc: See next page

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.

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/RA/

Tanya Simms, Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
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Docket Nos. 52-025 and 52-026

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COL - Vogtle Mailing List

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cc:

Attorney General
Law Department
132 Judicial Building
Atlanta, GA 30334

Mr. Laurence Bergen
Oglethorpe Power Corporation
2100 East Exchange Place
P.O. Box 1349
Tucker, GA 30085-1349

Mr. M. Stanford Blanton
Esquire
Balch and Bingham, LLP
P.O. Box 306
Birmingham, AL 35201

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

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

Mr. James Davis
ESP Project Engineer
Southern Nuclear Company
PO Box 1295, BIN B056
Birmingham, AL 35201

Director
Consumer's Utility
Counsel Division
Governor's Office of Consumer Affairs
2 Martin Luther King, Jr. Drive
Plaza Level East, Suite 356
Atlanta, GA 30334-4600

Mr. Arthur H. Dombey, Esquire
Troutman Sanders
Nations Bank Plaza
600 Peachtree Street, NE
Suite 200
Atlanta, GA 30308-2216

Mr. Jeffrey T. Gasser
Executive Vice President
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

O. C. Harper, IV
Vice President - Resources Planning and
Nuclear Development
Georgia Power Company
241 Ralph McGill Boulevard
Atlanta, GA 30308

Mr. Steven M. Jackson
Senior Engineer - Power Supply
Municipal Electric Authority of Georgia
1470 Riveredge Parkway, NW
Atlanta, GA 30328-4684

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

Mr. Thomas O. McCallum
Site Development Project Engineer
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

Mr. James H. Miller
President & Chief Executive Officer
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201

COL - Vogtle Mailing List

Mr. Joseph (Buzz) Miller
Senior Vice President
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Mr. Thomas Moorer
Environmental Project Manager
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

Mr. Charles R. Pierce
Vogtle Deployment Licensing Manager
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

Resident Inspector
Vogtle Plant
8805 River Road
Waynesboro, GA 30830

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

Mr. Jerry Smith
Commissioner
District 8
Augusta-Richmond County Commission
1332 Brown Road
Hephzibah, GA 30815

Mr. Wesley A. Sparkman
COL Project Engineer
Southern Nuclear Operating Co., Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Gene Stilp
1550 Fishing Creek Valley Road
Harrisburg, PA 17112

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

COL - Vogtle Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
crpierce@southernco.com (C.R. Pierce)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dlochbaum@UCSUSA.org (David Lochbaum)
erg-xl@cox.net (Eddie R. Grant)
greshaja@westinghouse.com (James Gresham)
james.beard@gene.ge.com (James Beard)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jim@ncwarn.org (Jim Warren)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
mcaston@southernco.com (Moanica Caston)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
phinnen@entergy.com (Paul Hinnenkamp)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
steven.hucik@ge.com (Steven Hucik)
tomccall@southernco.com (Tom McCallum)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)