

**Southern Nuclear  
Operating Company, Inc.**  
40 Inverness Center Parkway  
Birmingham, Alabama 35242



**AUG 04 2009**

Docket Nos.: 52-025  
52-026

ND-09-1155  
10 CFR 2

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4  
Quarterly and Ongoing Construction Schedule Information and Request for Withholding

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC) hereby submits the enclosed schedule information in support of periodic updates to U.S. Nuclear Regulatory Commission (NRC) Headquarters and Region II regarding the Construction Inspection Program for Vogtle Electric Generating Plant Units 3 and 4 (VEGP 3&4). This information was developed by the engineering, procurement and construction contractor for VEGP 3&4, a Consortium comprised of Westinghouse Electric Company, LLC (Westinghouse) and Stone & Webster (a Shaw Group), and includes the following key topics:

- project dates;
- equipment procurement;
- inspections, tests, analyses and acceptance criteria (ITAAC) implementation;
- modules;
- emergent issues;
- surveillance activities; and
- electronic scheduling data.

Enclosure 1 contains the overall VEGP 3&4 project status. Enclosure 2 contains Electronic Schedule Export Information. These enclosures provide schedule information that will be periodically updated for the life of the VEGP 3&4 project. The information in the enclosures is considered proprietary (i.e., trade secrets) to both Westinghouse and Stone & Webster, thus, a Westinghouse authorization letter CAW-09-2628 is enclosed (Enclosure 3) and is supported by affidavits for withholding executed by both Westinghouse and Stone & Webster, owners of the information. The affidavits set forth the basis on which future updates to scheduling information may be withheld from public disclosure by the NRC and address with specificity the considerations listed in

DO92  
NRC

paragraph (b) (4) of regulation 10 CFR 2.390. Also enclosed are a Proprietary Information Notice and a Copyright Notice, both in Enclosure 4.

Accordingly, it is respectfully requested that the enclosed schedule information, including future updates, which is proprietary to Westinghouse and Stone & Webster be withheld from public disclosure (i.e., non-publicly available) in accordance with 10 CFR 2.390.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Application for Withholding or affidavits should reference Westinghouse letter CAW-09-2628 and be addressed to Mr. Robert B. Sisk, Manager, AP1000 Licensing and Customer Interface, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

Please note that the schedule information contained in Enclosures 1 and 2 is proprietary in its entirety; thus, non-proprietary versions are not provided.

If you have any questions regarding this letter, please contact Mr. J. T. Davis at (205) 992-7692.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



Charles R. Pierce  
Technical Support Licensing Manager

CRP/BJS/dmw

Enclosures:

1. Overall Project Status - VEGP Units 3 & 4
2. Electronic Schedule Export Information
3. Westinghouse Authorization Letter CAW-09-2628
4. Proprietary Information Notice and Copyright Notice

cc: Southern Nuclear Operating Company

Mr. J. H. Miller, III, President and CEO (w/o enclosures)  
Mr. J. T. Gasser, Executive Vice President, Nuclear Operations (w/o enclosures)  
Mr. J. A. Miller, Executive Vice President, Nuclear Development (w/o enclosures)  
Mr. D. H. Jones, Site Vice President, Vogtle 3 & 4 (w/o enclosures)  
Mr. T. E. Tynan, Vice President - Vogtle (w/o enclosures)  
Mr. D. M. Lloyd, Vogtle 3 & 4 Project Support Director (w/o enclosure 2)  
Mr. M. K. Smith, Technical Support Director (w/o enclosure 2)  
Mr. C. R. Pierce, AP 1000 Licensing Manager (w/o enclosure 2)  
Mr. M. J. Ajluni, Nuclear Licensing Manager (w/o enclosure 2)  
Mr. J. T. Davis, ESP Project Engineer (w/o enclosure 2)  
(w/o enclosure 2) Document Services RTYPE: AR01.1053 (w/o enclosure 2)  
File AR.01.02.06 (w/o enclosure 2)

Nuclear Regulatory Commission

Mr. L. A. Reyes, Region II Administrator  
Mr. F.M. Akstulewicz, Deputy Director Div. of Safety Systems & Risk Assess. (w/o enclosures)  
Ms. S. M. Coffin, AP1000 Manager of New Reactors (w/o enclosures)  
Mr. R. G. Joshi, Lead Project Manager of New Reactors (w/o enclosures)  
Mr. B. Hughes, Project Manager of New Reactors (w/o enclosures)  
Ms. T. E. Simms, Project Manager of New Reactors (w/o enclosures)  
Mr. B. C. Anderson, Project Manager of New Reactors (w/o enclosures)  
Mr. M. M. Comar, Project Manager of New Reactors (w/o enclosures)  
Mr. M. D. Notich, Environmental Project Manager (w/o enclosures)  
Mr. L. M. Cain, Senior Resident Inspector of VEGP (w/o enclosure 2)  
Mr. L. R. Plisco, Deputy Regional Administrator, Construction (w/o enclosure 2)  
Mr. A. J. Blamey, Branch Chief, Division of Construction Projects (w/o enclosure 2)  
Mr. G. J. Khouri, Senior Projects Inspector, Division of Construction Projects  
Mr. D. A. Ayres, Branch Chief, Division of Construction Projects (w/o enclosure 2)  
Mr. G. C. Bacuta, Project Manager, Division of Policy and Rulemaking (w/o enclosure 2)

Georgia Power Company

Mr. O. C. Harper, IV, Vice President, Resource Planning and Nuclear Development  
(w/o enclosures)

Oglethorpe Power Corporation

Mr. M. W. Price, Executive Vice President and Chief Operating Officer (w/o enclosures)

Municipal Electric Authority of Georgia

Mr. S. M. Jackson, Vice President, Power Supply (w/o enclosures)

Dalton Utilities

Mr. D. Cope, President and Chief Executive Officer (w/o enclosures)

Bechtel Power Corporation

Mr. J. S. Prebula, Project Engineer (w/o enclosures)  
Mr. R. W. Prunty, Licensing Engineer (w/o enclosures)

Tetra Tech NUS, Inc.

Ms. K. K. Patterson, Project Manager (w/o enclosures)

Shaw Stone & Webster, Inc.

Mr. K. B. Allison, Project Manager (w/o enclosures)

Mr. J. M. Oddo, Licensing Manager (w/o enclosure 2)

Mr. D. C. Shutt, Licensing Engineer (w/o enclosure 2)

Westinghouse Electric Company, LLC

Mr. N. C. Boyter, Consortium Project Director Vogtle Units 3 & 4 (w/o enclosures)

Mr. R. B. Sisk, Manager, AP1000 Licensing and Customer Interface (w/o enclosure 2)

Mr. S. A. Bradley, Vogtle Project Licensing Manager (w/o enclosure 2)

Mr. J. L. Whiteman, Principal Engineer, Licensing & Customer Interface (w/o enclosure 2)

NuStart Energy

Mr. R. J. Grumbir (w/o enclosures)

Mr. P. S. Hastings (w/o enclosures)

Mr. E. R. Grant (w/o enclosures)

Mr. B. Hirmanpour (w/o enclosures)

Mr. N. Haggerty (w/o enclosures)

Ms. K. N. Slays (w/o enclosures)

**Southern Nuclear Operating Company**

**ND-09-1155**

**Enclosure 3**

**Westinghouse Authorization Letter CAW-09-2628**

**NOTE:** This enclosure contains a 13-page document.



Westinghouse Electric Company  
Nuclear Power Plants  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230-0355  
USA

U.S. Nuclear Regulatory Commission  
ATTENTION: Document Control Desk  
Washington, DC 20555-0001

Direct tel: 412-374-6206  
Direct fax: 724-940-8505  
e-mail: sisk1rb@westinghouse.com

SVP\_SV0\_000211  
Our ref: CAW-09-2628

July 31, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Periodic Transmittal of Schedule Information to NRC Region II During Construction of Vogtle Units 3 and 4

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in affidavits signed by the owners of the proprietary information, Westinghouse Electric Company LLC and Stone & Webster (a Shaw Group). The affidavits, which accompany this letter, set forth the basis on which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in paragraph (b) (4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavits by Southern Nuclear Operating Company, Inc.

Correspondence with respect to this Application for Withholding or the accompanying affidavits should reference CAW-09-2628 and should be addressed to Robert B. Sisk, Manager, AP1000 Licensing and Customer Interface, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert B. Sisk".

Robert B. Sisk, Manager  
AP1000 Licensing and Customer Interface

cc: G. Bacuta - U.S. NRC

ENCLOSURE 1

Westinghouse Affidavit

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

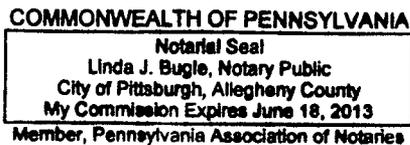
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Robert B. Sisk, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



Robert B. Sisk, Manager  
AP1000 Licensing and Customer Interface  
Regulatory Affairs and Standardization

Sworn to and subscribed  
before me this 31<sup>st</sup> day  
of July, 2009.



Notary Public

July 31, 2009

- (1) I am Manager, AP1000 Licensing and Customer Interface, Regulatory Affairs and Standardization, Westinghouse Electric Company, LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
  - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Westinghouse policy and provide the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld is schedule information for use by Southern Nuclear Company in support of periodic updates with NRC Region II regarding the Construction Inspection Program for Vogtle Units 3 & 4. The documents and files contain and will contain data that can be used to reproduce schedules for engineering, procurement, construction and testing. Transmittal of schedule information to support the Construction Inspection Program is described in SECY-06-0114 dated May 13, 2006, "Description of the Construction Inspection Program for Plants Licensed Under 10 CFR Part 52."

The information requested to be withheld reveals details of the AP1000 design; timing and content of procurement; sequence and method of construction; and timing and content of inspection and testing. This information was developed and continues to be developed by Westinghouse. The information is part of that which enables Westinghouse to manufacture and deliver products to utilities based on proprietary designs.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar commercial power reactors without commensurate expenses.

July 31, 2009

The information requested to be withheld is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

ENCLOSURE 2

Stone & Webster Affidavit

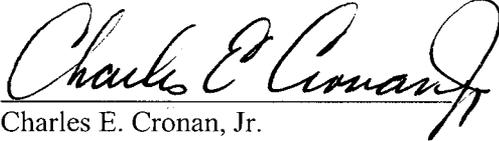
AFFIDAVIT

STATE OF NORTH CAROLINA:

ss

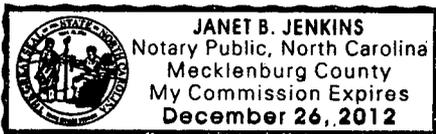
COUNTY OF MECKLENBERG:

Before me, the undersigned authority, personally appeared Charles E. Cronan, Jr. who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Stone & Webster, Inc., a Shaw Group company (S&W) and that the statements of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

  
Charles E. Cronan, Jr.

Sworn to and subscribed  
before me this 23rd day  
of July, 2009.

  
Notary Public



- (1) I am Vice President, Stone & Webster, Inc. – A Shaw Group company (S&W) and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of S&W.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria utilized by S&W in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by S&W.
  - (ii) The information is of a type customarily held in confidence by S&W and not customarily disclosed to the public. S&W has a rational basis for determining the types of information customarily held in confidence by it.

The information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of S&W's competitors without license from S&W constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of S&W, its customers or suppliers.
- (e) It reveals aspects of past, present, or future S&W or customer funded development plans and programs of potential commercial value to S&W.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the S&W system which include the following:

- (a) The use of such information by S&W gives S&W a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the S&W competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the S&W ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put S&W at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving S&W of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of S&W in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The S&W capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is schedule information for use by Southern Nuclear Company in support of periodic updates with NRC Headquarters and Region II regarding the Construction Inspection Program for Vogtle Units 3&4. The files contain or may contain data that can be used to reproduce schedules for engineering, procurement, construction and testing. Transmittal of electronic schedule information to support the Construction Inspection Program is described in SECY-06-114, dated May 13, 2006, "Description of the Construction Inspection Program for Plants Licensed Under 10 CFR Part 52."

This information is part of that which will enable S&W to:

- (a) Manufacture and deliver products to utilities based on proprietary designs.
- (b) Determine compliance with regulations and standards
- (c) Establish design requirements and specifications for the system.

Further this information has substantial commercial value as follows:

- (a) S&W plans to sell the use of similar information to its customers for purposes of plant construction and operation.
- (b) S&W can sell support and defense of safety systems based on the technology in the reports.
- (c) The information requested to be withheld reveals the distinguishing aspects of an approach and schedule which was developed by S&W.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of S&W because it would enhance the ability of competitors to provide similar digital technology safety systems 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 development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive S&W effort and the expenditure of a considerable sum of money.

In order for competitors of S&W to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

#### **PROPRIETARY INFORMATION NOTICE**

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions (where provided) is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions (where provided), only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information S&W customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

**Southern Nuclear Operating Company**

**ND-09-1155**

**Enclosure 4**

**Proprietary Information Notice**

**and**

**Copyright Notice**

**NOTE:** This enclosure contains a 1-page document.

## **PROPRIETARY INFORMATION NOTICE**

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

## **COPYRIGHT NOTICE**

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.