



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 23, 2009

Mr. M. J. Ajluni
Manager, Nuclear Licensing
Inverness Center Parkway
Post Office Box 1295
Birmingham AL 35201

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNIT NOS. 1 AND 2, REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. ME1339 AND ME1340)

Dear Mr. Ajluni:

By letter dated May 19, 2009, you submitted an affidavit dated May 4, 2009, executed by J.A. Gresham, Manager, Regulatory Compliance and Licensing, Westinghouse Electric Company LLC, and requested that the information contained 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-17071-P, "H*: Alternate Repair Criteria for the Tubesheet Expansion Region in Steam Generators with Hydraulically Expanded Tubes (Model F)," dated April 2009 (Proprietary)

A nonproprietary copy 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) Public Electronic Reading Room.

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

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

By letter dated July 28, 2009, (ADAMS Accession No. ML091940138), the NRC staff requested clarification regarding how certain information met the considerations of 10 CFR 2.390(b)(4) so that the NRC staff could make the required determination under 10 CFR 2.390(b). By letter

M. Ajluni

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dated August 28, 2009 (ADAMS Accession No. ML092450333), the licensee provided a response to each item listed and the corrected pages for the subject WCAP report (ADAMS Accession No. ML092510256).

We have reviewed your two submittals, identified above, in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the information sought to be withheld in the two submittals, when the two submittals are considered together, contains proprietary commercial information and should be withheld from public disclosure.

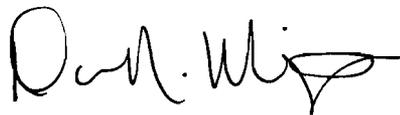
Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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, 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 301-415-1864.

Sincerely,



Donna N. Wright, 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: J.A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

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/RA/

Donna N. Wright, Project Manager
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Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

cc: J.A. Gresham, Manager
Regulatory Compliance and Plant Licensing
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