UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

November 19, 2009

Mr. Ronald B. Clary, Vice President
New Nuclear Deployment
P.O. Box 88
MC P40
Jenkinsville, SC 29065

SUBJECT: LETTER TO NRC FROM SOUTH CAROLINA ELECTRIC AND GAS COMPANY (SCE&G) DATED SEPTEMBER 24, 2009

Dear Mr. Clary:

SCE&G recently submitted two letters to the United States Nuclear Regulatory Commission (NRC). The first letter was dated August 7, 2009 and had subject line, "SCE&G Letter NND-09-0238, Project Timeline for V.C. Summer Nuclear Station Units 2 and 3, Docket Numbers 52-027 and 52-028." This letter included two enclosures:

1. VC Summer ITAAC Predecessor Report ("VC Summer ITAAC Report")
2. VC Summer Unit 2 & Unit 3 Project Timeline, Schedule ("VC Summer Project Schedule")

The second letter was dated September 24, 2009 and had subject line, "Virgil C. Summer Nuclear Station Units 2 and 3 Docket Numbers 52-027 and 52-028 Affidavits for Project Timeline for V.C. Summer Nuclear Station Units 2 and 3." The letter included two enclosures:

1. Affidavit Letters from Westinghouse Electric Company (Westinghouse) and Stone and Webster, Inc., A Shaw Group Company (S&W)
2. Proprietary Information Notice and Copyright Notice

The second letter requested that the VC Summer ITAAC Report and VC Summer Project Schedule be withheld from public release in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The aforementioned affidavits 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:

i. The information has been held in confidence by Westinghouse and S&W.
ii. The information is of a type customarily held in confidence by Westinghouse and S&W and not customarily disclosed to the public; a rational basis exists for making this determination.

iii. The information was transmitted to and received by the Commission in confidence.
iv. The information is not available in public sources.
v. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner of the information.

We have reviewed this request and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements contained in the aforementioned affidavit letters, have determined that the submitted information sought to be withheld contains proprietary commercial information and should 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.

For future reference, SCE&G should note that 10 CFR 2.390 requires affidavit letters be submitted at the same time as the documents they reference and that all pages containing proprietary information be marked as such. These requirements were not met by the documents listed above; however, based on guidance from Region II Counsel, the information will be treated as proprietary. This determination was made based on the nature of the information and a clear intent to request withholding from public release.

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 public disclosure.

If you have questions regarding this matter, I may be reached at (404) 562-0548.

Sincerely,

/RA/

Alan Blamey, Chief
Construction Projects Branch 2
Division of Construction Projects

Docket No. 52-027
52-028

vi. The information was transmitted to and received by the Commission in confidence.
vii. The information is not available in public sources.
viii. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner of the information.

We have reviewed this request and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements contained in the aforementioned affidavit letters, have determined that the submitted information sought to be withheld contains proprietary commercial information and should 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.

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/RA/

Alan Blamey, Chief
Construction Projects Branch 2
Division of Construction Projects

Docket No. 52-027
52-028

▪ PUBLICLY AVAILABLE ☐ NON-PUBLICLY AVAILABLE ☐ SENSITIVE ▪ NON-SENSITIVE

ADAMS: ☐ Yes ACCESSION NUMBER: ML093240261 ☐ SUNSI REVIEW COMPLETE

OFFICE	RII:DCP						
SIGNATURE	CJF						
NAME	CJFOng						
DATE	11/4/2009						
E-MAIL COPY?	YES NO						

OFFICIAL RECORD COPY DOCUMENT NAME: G:\CCI\DCP\CPB2\RESPONSE TO SCEG LETTER DATED NOVEMBER 3 2009_FINAL.DOC