



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

May 4, 2018

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
P.O. Box 1295 / Bin 038
Birmingham, AL 35201-1295

**SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 2 (EPID L-2018-LLR-0062)**

Dear Ms. Gayheart:

By letter dated April 18, 2018 (Agencywide Documents Access Management System Accession No. ML18108A070), Mr. Justin T. Wheat of Southern Nuclear Operating Company submitted an affidavit dated January 10, 2018, executed by James A. Gresham of Westinghouse Electric Company, requesting that the information contained in the letter's Enclosure 4, as describe below, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

PROPRIETARY Westinghouse Letter LTR-SDA-17-035 Technical Justification to Support Extended Volumetric Examination Interval for Joseph M. Farley Unit 2 Reactor Vessel Inlet Nozzle to Safe End Dissimilar Metal Welds

A nonproprietary version of Enclosure 4 was provided as Enclosure 5 and can be found at ADAMS Accession No. ML18108A070.

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

- The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- 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.
- The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, is to be received in confidence by the Commission.

- 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.
- 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 technical evaluation justifications 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 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosure 4 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 U.S. Nuclear Regulatory Commission (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, please contact me at (301) 415-1009 or Shawn.Williams@nrc.gov.

Sincerely,



Shawn A. Williams, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-364

cc: James A. Gresham, Manager
Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Cranberry Township, PA 16066

Listserv

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 DATED MAY 4, 2018

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ADAMS Accession No. ML18116A006

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DMLR/MPHB/BC	NRR/DORL/LPL2-1/BC
NAME	SWilliams	KGoldstein	DAlley (RDavis for)	MMarkley
DATE	4/26/18	04/26/18	4/26/18	5/3/18
OFFICE	NRR/DORL/LPL2-1/PM			
NAME	SWilliams			
DATE	5/4/18			

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