



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

August 27, 2024

Jamie M. Coleman
Regulatory Affairs Director
Southern Nuclear Operating Company
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2, LICENSE AMENDMENT REQUEST SUPPLEMENT TO CHANGE TECHNICAL SPECIFICATION 3.6.5, "CONTAINMENT AIR TEMPERATURE" ACTIONS (EPID L-2024-LLA-0098)

Dear Jamie Coleman:

By letter dated August 16, 2024 (Agencywide Documents Access Management System (ADAMS) Accession No. ML24229A244, Proprietary, Non-Public), you submitted an affidavit dated August 16, 2024, executed by Zachary Harper, Senior Manager, Licensing for Westinghouse Electric Company LLC (Westinghouse), requesting 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:

Enclosure 4, "Supplemental Information Items 1, 2, 3, 4 and 7," of the Enclosure to NL-24-0321 Joseph M. Farley Nuclear Plant, Units 1 and 2, License Amendment Request to Change Technical Specification 3.6.5, "Containment Air Temperature" Actions – Supplemental Information

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library and can be found in ADAMS (ML24229A245).

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

Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.

- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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.

Westinghouse has policies in place to identify proprietary information. 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.
- (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.

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, the version(s) 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 301-415-2258, or via email at Zachary.Turner@nrc.gov.

Sincerely,

/RA/

Zachary M. Turner, Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

cc: Listserv

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2, LICENSE AMENDMENT REQUEST SUPPLEMENT TO CHANGE TECHNICAL SPECIFICATION 3.6.5, "CONTAINMENT AIR TEMPERATURE" ACTIONS (EPID L-2024-LLA-0098) DATED AUGUST 27, 2024

DISTRIBUTION:

PUBLIC

RidsACRS_MailCTR Resource

RidsNrrDorlLpl2-1 Resource

RidsNrrLAKGoldstein Resource

RidsNrrPMFarley Resource

RidsNrrDssSnsb Resource

RidsOgcMailCenter Resource

RidsRgn2MailCenter Resource

ADAMS Accession No. ML24233A002

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DSS/SNSB/BC	NRR/DORL/LPL2-1/BC
NAME	ZTurner	KGoldstein	PSahd	MMarkley
DATE	08/19/2024	08/20/2024	08/26/2024	08/27/2024
OFFICE	NRR/DORL/LPL2-1/PM			
NAME	ZTurner			
DATE	08/27/2024			

OFFICIAL RECORD COPY