

May 14, 2003

H. A. Sepp
Manager of Regulatory and licensing Engineering
Westinghouse Electric Company
P. O. Box 355
Pittsburg, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR JOSEPH M. FARLEY
NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MB8007 AND MB8008)

Dear Mr. Sepp:

By letter dated April 11, 2003, Southern Nuclear Operating Company submitted an enclosure containing proprietary information and a letter by Westinghouse Electric Company (Westinghouse), dated April 8, 2003, containing an affidavit dated April 8, 2003, which was executed by you, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

WCAP-15925-P, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to Support Continued Operation: - Farley Units I and 2" (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 Public Electronic Reading Room.

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

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
2. 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 supporting documentation 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.
3. 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.
4. 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 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld 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 2.790(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 301-415-1447.

Sincerely,

/RA/

Frank Rinaldi, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

cc: See next page

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld 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 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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/RA/

Frank Rinaldi, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Joseph M. Farley Nuclear Plant

cc:

Mr. Don E. Grissette
General Manager -
Southern Nuclear Operating Company
Post Office Box 470
Ashford, Alabama 36312

William D. Oldfield
SAER Supervisor
Southern Nuclear Operating Company
P. O. Box 470
Ashford, Alabama 36312

Mr. B. D. McKinney, Licensing Manager
Southern Nuclear Operating Company
Post Office Box 1295
Birmingham, Alabama 35201-1295

Mr. J. B. Beasley, Jr.
Vice President - Farley Project
Southern Nuclear Operating
Company, Inc.
Post Office Box 1295
Birmingham, Alabama 35201-1295

Mr. M. Stanford Blanton
Balch and Bingham Law Firm
Post Office Box 306
1710 Sixth Avenue North
Birmingham, Alabama 35201

Mr. J. D. Woodard
Executive Vice President
Southern Nuclear Operating Company
Post Office Box 1295
Birmingham, Alabama 35201

State Health Officer
Alabama Department of Public Health
434 Monroe Street
Montgomery, Alabama 36130-1701

Chairman
Houston County Commission
Post Office Box 6406
Dothan, Alabama 36302

Resident Inspector
U.S. Nuclear Regulatory Commission
7388 N. State Highway 95
Columbia, Alabama 36319