



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

May 4, 2020

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2 – REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2019-LLA-0212)

Dear Ms. Gayheart:

By letter dated April 13, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20104C140), you submitted an affidavit dated April 9, 2020, executed by Zachery S. Harper, Licensing Engineering Manager, Westinghouse Electric Company LLC (Westinghouse), requesting that the information contained in Enclosure 1 to the letter, as described below, be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Response to Request for Additional Information Regarding License Amendment Request to Update the Spent Fuel Pool Criticality Safety Analysis and Revise Technical Specification (TS) 3.7.15 "Spent Fuel Assembly Storage" and TS 4.3 "Fuel Storage" (Proprietary Version).

A nonproprietary version of Enclosure 1 was provided as Enclosure 2 and can be found at ADAMS Accession No. ML20104C140.

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

- (a) 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.
- (b) 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.

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

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390 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 301-415-1009 or via e-mail at Shawn.Williams@nrc.gov.

Sincerely,

/RA/

Shawn Williams, Senior 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: Mr. Zachery S Harper
Licensing Engineering Manager
Westinghouse Electric Company
1000 Westinghouse Drive, Suite 165
Cranberry Township, PA 16066

cc: Listserv

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2 – REQUEST
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2019-LLA-0212) DATED MAY 4, 2020

DISTRIBUTION: Public
RidsACRS_MailCTR Resource
RidsNrrDorlLpl2-1 Resource
RidsNrrLAKGoldstein Resource
RidsNrrPMFarley Resource
RidsRgn2MailCenter Resource

ADAMS Accession No.: ML20115E618

***by e-mail**

OFFICE	DORL/LPL2-1/PM	DORL/LPL2-1/LA	DSS/SNPB/BC	DORL/LPL2-1/BC
NAME	SWilliams	KGoldstein	RLukes	MMarkley
DATE	04/30/20	04/30/20	4/21/20	5/01/20
OFFICE	DORL/LPL2-1/PM			
NAME	SWilliams			
DATE	5/04/20			

OFFICIAL RECORD COPY