



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

December 20, 2022

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

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2 – LETTER DATED AUGUST 13, 2004, TO REQUEST TO REVISE TECHNICAL SPECIFICATIONS TO REFLECT UPDATED SPENT FUEL RACK CRITICALITY ANALYSES FOR UNITS 1 AND 2

Dear Ms. Gayheart:

By letter dated August 13, 2004 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML042320393), Southern Nuclear Operating Company (SNC) submitted a license amendment request (LAR) to the U.S. Nuclear Regulatory Commission (NRC) to revise Technical Specifications (TSs) to reflect updated spent fuel rack criticality analyses for Vogtle Electric Generating Plant (Vogtle), Units 1 and 2.

In Enclosures 5 and 6 of letter dated August 13, 2004, SNC submitted "Unit 1 Spent Fuel Pool Criticality Analysis Report," and "Unit 2 Spent Fuel Pool Criticality Analysis Report," respectively (ML042320397 and ML042320413). Enclosures 5 and 6 state the following:

This document is the property of and contains Proprietary Information owned by Westinghouse Electric Company LLC and /or its subcontractors and suppliers. It is transmitted to you in confidence and trust, and you agree to treat this document in strict accordance with the terms and conditions of the agreement under which it was provided to you.

Based on the above statement, the NRC has maintained Enclosures 5 and 6 as non-publicly available. However, upon further review of the letter dated August 13, 2004, SNC failed to request withholding at the time the document was submitted, and the original submittal failed to comply with the document markings and affidavit requirements as set forth in Section 2.390, "Public inspections, exemptions, requests for withholding," of Title 10 of the *Code of Federal Regulations* (10 CFR).

The regulation 10 CFR 2.390(b)(1) states:

The submitter shall request withholding at the time the document is submitted and shall comply with the document marking and affidavit requirements set forth in this paragraph. The NRC has no obligation to review documents not so marked to determine whether they contain information eligible for withholding under paragraph (a) of this section. Any documents not so marked may be made available to the public at the NRC Web site, <http://www.nrc.gov> or at the NRC Public Document Room.

Unless SNC can show where compliance was demonstrated with document marking and an affidavit, or otherwise submit information to comply with the requirements of 10 CFR 2.390, the NRC intends to make Enclosures 5 and 6 publicly available within 30 days of the date of this letter.

If you have any questions regarding this matter, please contact me at 301-415-3100 or [John.Lamb@nrc.gov](mailto:John.Lamb@nrc.gov).

Sincerely,

**/RA/**

John G. Lamb, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-424 and 50-425

cc: Listserv

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