



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

August 12, 2009

Mr. Robert B. Sisk, Manager  
AP1000 Licensing and Customer Interface  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

SUBJECT: EVALUATION OF WESTINGHOUSE LETTER CAW-09-2628

Dear Mr. Sisk:

Southern Nuclear Operating Company (SNC) recently submitted a letter to the United States Nuclear Regulatory Commission (NRC) dated August 4, 2009 and titled, *Quarterly and Ongoing Construction Schedule Information and Request for Withholding*. The letter included the following enclosures:

1. Overall Project Status – VEGP Units 3 & 4
2. Electronic Schedule Export Information
3. Affidavit Letters from Westinghouse Electric Company (Westinghouse) and Stone and Webster, Inc., A Shaw Group Company (S&W)
4. Proprietary Information Notice and Copyright Notice

The letter requested that Enclosures 1 and 2 be withheld from public release in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The aforementioned affidavits stated that the submitted information should be considered exempt from mandatory public disclosure pursuant to the provisions of 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4), for the following reasons:

- i. The information has been held in confidence by Westinghouse and S&W.
- ii. The information is of a type customarily held in confidence by Westinghouse and S&W and not customarily disclosed to the public; a rational basis exists for making this determination.
- iii. The information was transmitted to and received by the Commission in confidence.
- iv. The information is not available in public sources.
- v. Public disclosure of the information is likely to cause substantial harm to the competitive position of the owner of the information.

We have reviewed this request and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements contained in Enclosure 3, have determined that the

submitted information sought to be withheld contains proprietary commercial information and should 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 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 public disclosure.

If you have questions regarding this matter, I may be reached at (404) 562-0548.

Sincerely,

**/RA/**

Alan Blamey, Chief  
Construction Projects Branch 2  
Division of Construction Projects

Docket No. 52-025  
52-026

cc: R. Joshi, NRO/DNRL/DDLO/NW

submitted information sought to be withheld contains proprietary commercial information and should 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 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 public disclosure.

If you have questions regarding this matter, I may be reached at (404) 562-0548.

Sincerely,

**/RA/**

Alan Blamey, Chief  
Construction Projects Branch 2  
Division of Construction Projects

Docket No. 52-025  
52-026

cc: R. Joshi, NRO/DNRL/DDLO/NW

PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE       SENSITIVE       NON-SENSITIVE

ADAMS:  Yes      ACCESSION NUMBER: ML092240522       SUNSI REVIEW COMPLETE

OFFICE	RII:DCP						
SIGNATURE	CJFOng						
NAME	CJ Fong						
DATE	8/112/2009						
E-MAIL COPY?	YES      NO						

OFFICIAL RECORD COPY DOCUMENT NAME: C:\DOCUMENTS AND SETTINGS\WXH1\LOCAL SETTINGS\TEMPORARY INTERNET FILES\CONTENT.OUTLOOK\BV5PNBP3\RESPONSE TO SNC LETTER DATED AUGUST 4 2009.DOC