

February 1, 2012

Mr. Scott Head  
Manager, Regulatory Affairs  
STP Units 3 & 4  
Nuclear Innovation North America, LLC  
4000 Avenue F  
Bay City, TX 76109

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR SOUTH TEXAS PROJECTS UNITS 3 AND 4

Dear Mr. Head:

By letter dated January 17, 2012, you submitted an affidavit dated January 17, 2012, executed by Mark McBurnett, Chief Nuclear Officer, Nuclear Innovation North America LLC (NINA), requesting that information 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:

Response to Request for Additional Information Letter No. 388, Related to the  
Combined License Application, Part 1, General and Financial Information

A nonproprietary copy of this information was provided in Attachment 3 and was placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML12025A025).

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

- i. The information is and has been withheld in confidence by NINA 3, NINA 4 and their affiliates.
- ii. This information is of a type that is customarily held in confidence by NINA 3, NINA 4 and their affiliates, and there is a rational basis for doing so because the information contains sensitive legal and financial information concerning financing arrangements and project costs for NINA 3 and NINA 4.
- iii. This information is being transmitted to the NRC voluntarily, in confidence and under the provisions of 10 CFR 2.390(a)(4) and it is to be received in confidence by the NRC.
- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.

- v. Public disclosure of this information would create substantial harm to the competitive position of NINA 3, NINA 4, and their affiliates by disclosing internal business and financial information.

We have reviewed the January 17, 2012, letter and the affidavit in accordance with the requirements of 10 CFR 2.390 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 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 301-415-2849 or [Stacy.Joseph@nrc.gov](mailto:Stacy.Joseph@nrc.gov)

Sincerely,

***/RA George Wunder for:/***

Stacy Joseph, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-012  
52-013

cc: See next page

- v. Public disclosure of this information would create substantial harm to the competitive position of NINA 3, NINA 4, and their affiliates by disclosing internal business and financial information.

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Sincerely,

**/RA George Wunder for:/**

Stacy Joseph, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-012  
52-013

cc: See next page

Distribution: See next page

ADAMS Accession No.: ML120240422

NRO-002

OFFICE	DNRL:LB3:PM	DNRL:LB3:LA	DNRL:LB3:PM
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DATE	02/01/2012	01/26/2012	02/01/2012

**OFFICIAL RECORD COPY**

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(Revised 11/16/2011)

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