

June 11, 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 October 11, 2010, you submitted an affidavit dated October 6, 2010, executed by B. F. Maurer, Manager, ABWR Licensing, 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:

South Texas Project Units 3 and 4 "Response to Requests for Additional  
Information and Submittal of Revised Technical Report"

A nonproprietary copy of this document was provided in Attachments 1 to 11 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 Nos. ML102870265 and ML102870266).

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

- i. The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- ii. This information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.
- iii. This information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.

- iv. This information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- v. The proprietary information sought to be withheld in this submittal is that which is appropriately marked in WEC-STP-2010-0037 P-Enclosure, "South Texas Project Units 3 & 4 RAI Response (SRP Section 09.01.01) to No. 4987, Rev. 3," (Proprietary) dated September 2010 for submittal to the Commission, being transmitted by South Texas project Nuclear Operating Company (STPNOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with the NRC's review of WCAP-17246-P in support of the South Texas Project Units 3 and 4 COL application.

We have reviewed the October 11, 2010, 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 301-415-8484 or [Tom.Tai@nrc.gov](mailto:Tom.Tai@nrc.gov)

Sincerely,

**/RA/**

Tom Tai, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-012  
52-013

cc: See next page

- iv. This information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
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Sincerely,  
/RA/

Tom Tai, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-012  
52-013

cc: See next page

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NAME	TTai	SGreen	GWunder
DATE	06/11/2012	05/21/2012	06/08/2012

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COL - STP Nuclear - South Texas Mailing List  
cc:

(Revised 05/09/2012)

Certrec Corporation  
4150 International Plaza, Suite 820  
Fort Worth, TX 76109

Mr. Brian Almon  
Public Utility Commission  
William B. Travis Building  
PO Box 13326  
1701 North Congress Avenue  
Austin, TX 78701-3326

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Ed Halpin  
President & CEO  
STP Nuclear Operating Company  
P.O. Box 289  
Wadsworth, TX 77483

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

Ms. Susan M. Jablonski  
Office of Permitting, Remediation  
and Registration  
Texas Comm. on Env. Quality  
MC-122  
P.O. Box 13087  
Austin, TX 78711-3087

Judge  
Matagorda County  
Matagorda County Courthouse  
1700 Seventh Street  
Bay City, TX 77414

Mr. Mark A. McBurnett  
Chief Executive Officer  
and Chief Nuclear Officer  
Nuclear Innovation North America, LLC  
4000 Avenue F, Suite A  
Bay City, TX 77414

Bill Mookhoek  
Licensing Supervisor  
STP Units 3 and 4  
4000 Avenue F  
Bay City, TX 77414

Mr. Peter G. Nemeth  
Crain, Caton & James, P.C.  
P.O. Box 289  
Mail Code: N5005  
Wadsworth, TX 77483

Mr. Terry Parks  
Chief Inspector  
Texas Department of Licensing  
and Regulation  
Boiler Division  
P.O. Box 12157  
Austin, TX 78711

Kathy C. Perkins, RN, MBA  
Assistant Commissioner  
Division for Regulatory Services  
Texas Department of State Health Services  
P.O. Box 149347  
Austin, Texas 78714-9347

Policy Director  
Environmental and Natural Resources  
P. O. Box 12428  
Austin, TX 78711-3189

COL - STP Nuclear - South Texas Mailing List

Mr. Frank M. Quinn  
8 Oak Avenue  
Gaithersburg, MD 20877-2705

Regional Administrator  
Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive  
Suite 400  
Arlington, TX 76011-8064

Alice Hamilton Rogers, PE  
Inspections Unit Manager  
Texas Department of State Health Services  
P.O. Box 149347  
Austin, Texas 78714-9347

Ms. Jamey Seely  
President & CEO  
Nuclear Innovation North America, LLC  
400 Avenue F, Suite A  
Bay City, TX 77414

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

## COL - STP Nuclear - South Texas Mailing List

### Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
cindyrae\_52@yahoo.com  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
donald.woodlan@luminant.com (Donald Woodlan)  
dwuokko@tane.toshiba.com (Dale Wuokko)  
ed.burns@earthlink.net (Ed Burns)  
eliza.seedcoalition@gmail.com (Elza Brown)  
erg-xl@cox.net (Eddie R. Grant)  
gzinke@entergy.com (George Alan Zinke)  
jerald.head@ge.com (Jerald G. Head)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
kdrichards@stpegs.com (Kevin Richards)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
ldblaylock@cpsenergy.com (Larry Blaylock)  
louis.eichenberger@ge.com (Louis Eichenberger)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
maurerbf@westinghouse.com (Brad Maurer)  
media@nei.org (Scott Peterson)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
RJB@NEI.org (Russell Bell)  
Rschrauder@tane.toshiba.com (Robert Schrauder)  
sabinski@suddenlink.net (Steve A. Bennett)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
smhead@stpegs.com (Scott Head)  
stephan.moen@ge.com (Stephan Moen)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
tom.miller@hq.doe.gov (Tom Miller)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.marquino@ge.com (Wayne Marquino)  
wemookhoek@stpegs.com (Bill Mookhoek)