

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 November 4, 2010, you submitted an affidavit dated November 4, 2010, executed by Katsuhiko Naruse, Senior Manager, Mechanical Technology & Design Department, Nuclear Energy Systems, & Services Division, Power Systems Company, Toshiba Corporation, 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 "Revised Responses to Request for
Additional Information"

A nonproprietary copy of this document was provided in Attachments 6 through 10 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. ML103090554).

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

- i. The Confidential Information is confidential and proprietary information of Toshiba Corporation.
- ii. The Confidential Information is information of a type customarily held in confidence by Toshiba Corporation, and there is a rational basis for doing so given the sensitive and valuable nature of the Confidential Information as discussed above in paragraphs (D) and (E).
- iii. The Confidential Information is being transmitted to the NRC in confidence.
- iv. The Confidential Information is not available in public sources.

- v. Public disclosure of the Confidential Document is likely to cause substantial harm to the competitive position of Toshiba Corporation, taking into account the value of the Confidential Information to Toshiba Corporation, the amount of money and effort expended by Toshiba Corporation in developing the Confidential Information, and the ease or difficulty with which the Confidential Information could be properly acquired or duplicate by others.

We have reviewed the November 4, 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

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

- v. Public disclosure of the Confidential Document is likely to cause substantial harm to the competitive position of Toshiba Corporation, taking into account the value of the Confidential Information to Toshiba Corporation, the amount of money and effort expended by Toshiba Corporation in developing the Confidential Information, and the ease or difficulty with which the Confidential Information could be properly acquired or duplicate by others.

We have reviewed the November 4, 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

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

DISTRIBUTION:

PUBLIC	LB3 R/F	RidsNroDnrlLB3
GWunder, NRO	TTai, NRO	SGreen, NRO
MSpencer, OGC	NRO_DNRL_LB3 Resource	RidsOgcMailCenter Resource

ADAMS Accession No.: ML12136A491

NRO-002

OFFICE	DNRL:LB3:PM	DNRL:LB3:LA	DNRL:LB3:PM
NAME	TTai	SGreen	GWunder
DATE	06/11/2012	05/21/2012	06/08/2012

OFFICIAL RECORD COPY

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)