

July 18, 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 April 23, 2012, you submitted an affidavit dated April 23, 2012, executed by you requesting that information in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

Response to April 11, 2012 RAIs, Question 9: Assets of NINA- 2010
Consolidated Financial Statements, Question 9: Assets of NINA- 2011 Unaudited
Consolidated Statements (Proprietary)

The letter 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. ML12121A397).

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 financial information.

We have reviewed the April 23, 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 301-415-3470 or via e-mail patricia.vokoun@nrc.gov.

Sincerely,

/RA/

Patricia Vokoun, 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.

We have reviewed the April 23, 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 301-415-3470 or via e-mail patricia.vokoun@nrc.gov.

Sincerely,
/RA/

Patricia Vokoun, 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	ASimmons	RidsAcrcAcnwMailCenter
NRO_DNRL_LB3	CRegan	RidsNroDnrl
MSpencer	GWunder	RidsRgn2MailCenter
JSimpson	PVokoun	RidsOgcMailCenter
TFredrichs	SArora	RidsNroDArrApob
JLubinski		

ADAMS Accession No.: ML12198A116

*via e-mail

NRO-002

OFFICE	DNRL/LB3:PM	DNRL/LB3:LA	DNRL/LB3:PM	DNRL/LB3:PM
NAME	PVokoun*	SGreen	GWunder	PVokoun
DATE	07/16/2012	07/17/2012	07/18/2012	07/18/2012

OFFICIAL RECORD COPY

COL - STP Nuclear - South Texas Mailing List
cc:

(Revised 06/14/2012)

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

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

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

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

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

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

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

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

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

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

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

COL - STP Nuclear - South Texas Mailing List

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

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

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)
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)