



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 4, 2020

Mr. G. T. Powell
President and CEO
STP Nuclear Operating Company
South Texas Project
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNIT 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Powell:

By letter dated January 30, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20030C489), you submitted an affidavit dated January 27, 2020, executed by Korey L. Hosack of Westinghouse Electric Company LLC (Westinghouse). You requested that the information contained in the following document (Enclosure 3 to the letter dated January 30, 2020) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

South Texas Unit 2 Pressurizer Upper Head Safety Nozzle to Shell Weld ASME
Section XI Evaluation of As-Found Indication [Proprietary]

A nonproprietary copy of this document (Enclosure 2 to the letter dated January 30, 2020) has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS at the above referenced Accession No. ML20030C489.

The affidavit stated, in part, that the 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 and is not customarily disclosed to the public.
- (ii) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed the application and material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of 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, please contact me at 301-415-6256 or via e-mail at Dennis.Galvin@nrc.gov.

Sincerely,

/RA/

Dennis J. Galvin, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-499

cc: Mr. Korey L. Hosack
Manager of Licensing, Analysis,
and Testing
Westinghouse Electric Company
1000 Westinghouse Drive
Cranberry Township, PA 16066

Listserv

SUBJECT: SOUTH TEXAS PROJECT, UNIT 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE DATED MARCH 4, 2020

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