



South Texas Project Electric Generating Station P.O. Box 282 Wadsworth, Texas 77483

April 29, 2003  
NOC-AE-03001523  
10CFR2.790

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

South Texas Project  
Unit 1  
Docket No. STN 50-498  
Bottom Mounted Instrumentation Forced Outage

This letter formally submits information regarding the bottom mounted instrumentation (BMI) forced outage that was e-mailed to the NRC Region IV Office on April 24, 2003.

Attachment 1 to this letter provides an application for withholding confidential information that identifies the information sought to be withheld and provides the reasons that the information should be withheld.

Attachment 3 provides a copy of the confidential information previously submitted by e-mail. Attachment 2 provides a non-confidential version of Attachment 3.

If there are any questions regarding this submittal, please contact Mr. Scott Head at (361) 972-7136 or me at (361) 972-7902.

A handwritten signature in black ink, appearing to read 'T. S. Jordan', with a long horizontal flourish extending to the right.

T. S. Jordan  
Vice President,  
Engineering & Technical Services

jtc

- Attachments:
- (1) Application and Affirmation for Withholding Confidential Information
  - (2) BMI Outage Schedule and Milestones (Non-Confidential)
  - (3) BMI Outage Schedule and Milestones (Confidential)

cc: w/o Attachment 3 (except \*)  
(paper copy)

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

\* U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Richard A. Ratliff  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49th Street  
Austin, TX 78756-3189

\* Cornelius F. O'Keefe  
U. S. Nuclear Regulatory Commission  
P. O. Box 289, Mail Code: MN116  
Wadsworth, TX 77483

C. M. Canady  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

(electronic copy)

A. H. Gutterman, Esquire  
Morgan, Lewis & Bockius LLP

L. D. Blaylock  
City Public Service

Mohan C. Thadani  
U. S. Nuclear Regulatory Commission

R. L. Balcom  
Texas Genco, LP

A. Ramirez  
City of Austin

C. A. Johnson  
AEP Texas Central Company

Jon C. Wood  
Matthews & Branscomb

## **ATTACHMENT 1**

### **Application and Affirmation for Withholding Confidential Information**

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Attachment 1

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## **Application and Affirmation for Withholding Confidential Information**

The confidential information for which withholding is being requested is in Attachment 3 to this letter and is further identified in the attachment signed under affirmation by the owner of the information, STP Nuclear Operating Company (STPNOC). The attachment sets forth the basis on which the information may be withheld from public disclosure by the NRC and addresses with specificity the considerations listed in 10CFR2.790 (b)(4).

- (1) I am Thomas J. Jordan, Vice President, Engineering & Technical Services, STP Nuclear Operating Company (STPNOC). I have been specifically delegated the function of reviewing the confidential information sought to be withheld from public disclosure in connection with the South Texas Project Unit 1 return to service, and I am authorized to apply for its withholding on behalf of STPNOC.
- (2) I am making this affidavit in accordance with the provisions of 10CFR2.790 and in conjunction with the STPNOC application for withholding accompanying this affidavit.
- (3) I have personal knowledge of the criteria and Administrative Policy utilized by STPNOC in designating this information as confidential.
- (4) The confidential information sought to be withheld is schedule information that would indicate the dates upon which actions will be taken, the ending date of the outage, or the duration of the outage.
- (5) Pursuant to the provisions of paragraph (b)(4) of 10CFR2.790, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned by and has been withheld from the general public by STPNOC.
  - (ii) The information is of a type customarily held in confidence by STPNOC and not customarily disclosed to the general public. STPNOC has a rational basis for determining the types of information customarily held in confidence and uses an Administrative Policy to determine when and whether to hold certain types of information in confidence. Under that Policy, information is held in confidence if it falls into one or more of several types, the release of which might result in financial damage STPNOC or the Owners of STP, as follows:
    - (a) The information is "confidential" data or information concerning the operations of STPNOC that is not in the public domain.
    - (b) The information is "inside information" about an Owner or its business activities that has not been generally disclosed to the public and which could affect the market value of the Owners' stocks or the value of the South Texas Project.
    - (c) The release to outside parties of "confidential" information such as unit operating schedules that has not been publicly announced can constitute a conflict of interest.

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Attachment 1

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There are sound reasons behind the STPNOC Policy:

- (a) Information regarding the dates and durations of outages could have an adverse impact on the price paid for replacement power during the outage.
- (b) Information regarding the dates and durations of outages could have an adverse impact on the Owners' stock prices.
- (c) Information regarding the dates and durations of outages could have an adverse impact on the value of the South Texas Project and the bidding price for sale of Owner's shares of the South Texas Project.
- (iii) The information is being transmitted to the NRC in confidence and, under the provisions of 10CFR2.790, it is to be received in confidence by the NRC.
- (iv) The information sought to be withheld is not available in public sources.
- (v) STPNOC believes that public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of STPNOC and the Owners of the South Texas Project.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2003.

Date



T. J. Jordan

Vice President,

Engineering & Technical Services