

February 14, 2008

Mr. Mark McBurnett, Vice President
Regulatory Affairs
South Texas Project Nuclear Operating Company
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT NUCLEAR OPERATING COMPANY UNITS 3 AND 4
COMBINED LICENSE APPLICATION (COLA), REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR PART 1 OF THE COLA THAT
CONTAINS FINANCIAL PROJECTIONS

Dear Mr. McBurnett:

By letter dated September 20, 2007, you submitted an affidavit dated September 14, 2007, executed by Mr. Steven Winn, Vice President of Texas Genco, LLC (the General Partner of NRG South Texas LP), and Executive Vice President of NRG Energy, Inc., requesting that portions of 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(a)(4):

Part 1 of the COLA that contains financial projections

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

- i. This information is and has been withheld in confidence by NRG South Texas LP and its affiliates.
- ii. This information is of a type that is customarily held in confidence by NRG South Texas LP and its affiliates, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of NRG South Texas LP.
- iii. This information is being transmitted to the NRC voluntarily and in confidence.
- 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 NRG South Texas LP and its affiliates by disclosing its internal financial projections.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390(a)(4), 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 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 the information to our consultants working in the 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 U. S. Nuclear Regulatory Commission (NRC). You should also 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 301-415-3104 or mae1@nrc.gov.

Sincerely,

/RA/

George F. Wunder, Senior Project Manager
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-012
52-013

cc: See next page

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/RA/
 George F. Wunder, Senior Project Manager
 ESBWR/ABWR Projects Branch 2
 Division of New Reactor Licensing
 Office of New Reactors

Docket Nos. 52-012
 52-013

cc: See next page

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(Revised 02/11/2008)

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