

October 30, 2008

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

SUBJECT: STP 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 24, 2008, you submitted an affidavit dated September 23, 2008, executed by Mr. Steven Winn, President of NRG South Texas 3 LLC, NRG South Texas 4 LLC, STP 3 and 4 Investments LLC, and Nuclear Innovation North America LLC, 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 3 LLC, NRG South Texas 4 LLC and their affiliates.
- ii. This information is of a type that is customarily held in confidence by NRG South Texas 3 LLC, NRG South Texas 4 LLC and their 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 3 LLC and NRG South Texas 4 LLC.
- 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.
- v. Public disclosure of this information would create substantial harm to the competitive position of NRG South Texas 3 LLC, NRG South Texas 4 LLC and their 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 [George.Wunder@nrc.gov](mailto:George.Wunder@nrc.gov)

Sincerely,

***IRA T. Govan for:/***

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

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 [George.Wunder@nrc.gov](mailto:George.Wunder@nrc.gov)

Sincerely,  
**/RA T. Govan for:/**  
 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

Distribution:

PUBLIC  
 NGE2 R/F  
 BAbeywickrama, NRO  
 GWunder, NRO  
 RidsNroDnrlNge2  
 RidsOgcMailCenter  
 RidsAcrsAcnwMailCenter  
 RidsRgn4MailCenter

ADAMS ACCESSION NO: ML082960271

NRO-002

|               |              |               |              |
|---------------|--------------|---------------|--------------|
| <b>OFFICE</b> | PM:DNRL:NGE2 | LA: DNRL:NGE2 | BC:DNRL:NGE2 |
| <b>NAME</b>   | GWunder      | BAbeywickrama | BSosa        |
| <b>DATE</b>   | 10/30/2008   | 10/30/2008    | 10/30/2008   |

**OFFICIAL RECORD COPY**

COL STP Nuclear - South Texas Mailing List

(Revised 09/29/2008)

cc:

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

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

Director  
Division of Compliance & Inspection  
Bureau of Radiation Control  
Texas Department of State Health Services  
1100 West 49th Street  
Austin, TX 78756-3189

Mr. Ted Enos  
4200 South Hulen  
Suite 422  
Ft. Worth, 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

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

M. A. McBurnett  
VP, Oversight/Regulatory Affairs  
STP Nuclear Operating Company  
4000 Avenue F, Suite A  
Bay City, TX 77414

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

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

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

J. J. Sheppard  
President & CEO  
STP Nuclear Operating Company  
P.O. Box 289  
Wadsworth, TX 77483

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Mr. Steve Winn  
NRG Texas LLC  
1301 McKinney, Suite 2300  
Houston, TX 77010

Mr. Jon C. Wood  
Cox, Smith, & Matthews  
112 East Pecan, Suite 1800  
San Antonio, TX 78205

## COL STP Nuclear - South Texas Mailing List

### Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bob.brown@ge.com (Robert E. Brown)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
chris.maslak@ge.com (Chris Maslak)  
cindyrae\_52@yahoo.com  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
dlochbaum@UCSUSA.org (David Lochbaum)  
dwoodla1@luminant.com (Donald Woodlan)  
erg-xl@cox.net (Eddie R. Grant)  
greshaja@westinghouse.com (James Gresham)  
gzinke@entergy.com (George Alan Zinke)  
Ingmar.sterzing@lcra.org (Ingmar Sterzing)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
John.O'Neill@pillsburylaw.com (John O'Neill)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)  
karen@seedcoalition.org (Karen Hadden)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
mike\_moran@fpl.com (Mike Moran)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
phinnen@entergy.com (Paul Hinnenkamp)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
roberta.swain@ge.com (Roberta Swain)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)

COL STP Nuclear - South Texas Mailing List

tom.miller@hq.doe.gov (Tom Miller)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
VictorB@bv.com (Bill Victor)  
vochoa@mail.utexas.edu  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.marquino@ge.com (Wayne Marquino)  
William\_Maher@fpl.com (William Maher)