December 3, 2009

Mr. Scott Head, Manager
Regulatory Affairs
STP Nuclear Operating Company
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE "STP 3 AND 4 ADVANCED BOILING WATER REACTOR TECHNICAL SPECIFICATION SETPOINTS METHODOLOGY REPORT OVERVIEW"

Dear Mr. Head:

By letter dated November 9, 2009, you submitted an affidavit dated October 12, 2009, executed by Mr. B.F. Maurer, as Manager, ABWR Licensing, Westinghouse Electric Company LLC, you requested that the information contained in 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:

"STP 3 AND 4 ABWR Technical Specification Setpoints Methodology Report Overview"

A nonproprietary copy of this information was placed in the U.S. Nuclear Regulator Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

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.

We have reviewed your application and the material 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 301-415-1494 or George.Wunder@nrc.gov.

Sincerely,

/RA/

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

Docket Nos.: 52-012 and 52-013
cc: See next page

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 301-415-1494 or George.Wunder@nrc.gov.

Sincerely,

/RA/

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

Docket Nos.: 52-012 and 52-013
cc: See next page

DISTRIBUTION:

PUBLIC	GWunder	RidsNroDnrlNge2
NGE2 R/F	BAbeywickrama	RidsOgcMailCente
MTonacci	AMuniz	RidsAcrsAcnwMail
	SKirkwood, OGC	RidsRgn2MailCenter

ADAMS Accession No.: ML093200024 **NRO-002**

OFFICE	DNRL/NGE2/PM	DNRL/NGE2/LA	DNRL/NGE2//PM
NAME	AMuniz	BAbeywickrama	GWunder
DATE	12/2/09	11/18/09	12/3/09

OFFICIAL RECORD COPY

cc:

Certrec Corporation
4200 South Hulen, Suite 422
Fort Worth, TX 76109

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

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

Bill Mookhoek
Licensing Supervisor
STP Units 3 and 4
Project Electric Generating Station
P.O. Box 289
Wadsworth, TX 77483

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

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

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

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

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
STP Nuclear Operating Company
1301 McKinney, Suite 2300
Houston, TX 77010

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

B. F. Maurer
Westinghouse Electric Company LLC
P. O. Box 355
Pittsburgh, PA 15230-0355

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
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)
donald.woodlan@luminant.com (Donald Woodlan)
dwstillwell@stpegs.com (Bill Stillwell)
erg-xl@cox.net (Eddie R. Grant)
gzinke@entergy.com (George Alan Zinke)
jerald.head@ge.com (Jerald G. Head)
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)
kdrichards@stpegs.com (Kevin Richards)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
louis.eichenberger@ge.com (Louis Eichenberger)
mamcburnett@stpegs.com (Mark McBurnett)
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)
maurerbf@westinghouse.com (Brad Maurer)
media@nei.org (Scott Peterson)
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)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
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)
VictorB@bv.com (Bill Victor)
vochoa@mail.utexas.edu
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
wayne.marquino@ge.com (Wayne Marquino)
wemookhoek@stpegs.com (Bill Mookhoek)
william.maher@fpl.com (William Maher)