September 9, 2010

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE METHODOLOGY FOR SOUTH TEXAS PROJECT UNITS 3 AND 4 ADVANCED BOILING WATER REACTOR TECHNICAL SPECIFICATION SETPOINTS

Dear Mr. McBurnett:

By letter dated July 29, 2010, you submitted an affidavit dated July 16, 2010, executed by Mr. B. F. Maurer as Manager, ABWR Licensing, Westinghouse Electric Company LLC requesting that information in the following presentation is withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

"Methodology for South Texas Project Units 3 & 4 ABWR Technical Specification Setpoints" (proprietary version)

A non-proprietary copy of this information was provided in Enclosure 4 and was placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Document 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 the July 29, 2010, letter and affidavit 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

Project Nos: 52-012 and 52-013

cc: See next page

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Sincerely,

/RA/

George F. Wunder, Senior Project Manager
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Office of New Reactors

Project Nos: 52-012 and 52-013

cc: See next page

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