

May 4, 2011

Mr. Scott Head
Manager, Regulatory Affairs
STP Units 3 & 4
Nuclear Innovation North America, LLC
4000 Avenue F
Bay City, TX 76109

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR SOUTH TEXAS PROJECT UNITS 3 AND 4 "REQUEST FOR ADDITIONAL INFORMATION RE: SOUTH TEXAS NUCLEAR OPERATING COMPANY TOPICAL REPORT (TR) WCAP-17116-P REVISION 0, SUPPLEMENT 5 – APPLICATION TO THE ADVANCED BOILING WATER REACTOR"

Dear Mr. Head:

By letter dated January 12, 2011, you submitted an affidavit dated January 6, 2011, executed by B.F. Maurer, Manager, ABWR Licensing, Westinghouse Electric Company LLC (Westinghouse), requesting that the responses to both RAI-39 and RAI-44 contains information specifically considered to be proprietary to Westinghouse that should be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390.

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

- i. This information is and has been withheld in confidence by Westinghouse.
- ii. This information is of a type that is customarily held in confidence by Westinghouse and there is a rational basis for doing so because the information contains sensitive schedule information.
- iii. This information is being submitted 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 Westinghouse by providing computer input information.

We have reviewed the January 12, 2011, letter and the 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 301-415-6197 or Tekia.Govan@nrc.gov

Sincerely,

/RA/

Tekia Govan, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. PROJ0772

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 301-415-6197 or Tekia.Govan@nrc.gov

Sincerely,

/RA/

Tekia Govan, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. PROJ0772

cc: See next page

DISTRIBUTION:

PUBLIC
BWR R/F
N_DNRL_BWR
RidsAcrsAcnwMailCenter
RidsOgcMailCenter Resource
SGreen, NRO
SBrock, OGC

ADAMS Accession No.: ML111101693

NRO-002

OFFICE	DNRL:BWR:PM	DNRL:BWR:LA	DNRL:BWR:PM
NAME	TGovan	SGreen	GWunder
DATE	05/04/2011	04/26/2011	05/04/2011

OFFICIAL RECORD COPY

S. Head

-2-

COL - STP Nuclear - South Texas Mailing List
cc:

(Revised 04/11/2011)

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

Mr. Ed Halpin
President & CEO
STP Nuclear Operating Company
P.O. Box 289
Wadsworth, TX 77483

Mr. Scott Head
Manager, Regulatory Affairs
STP Units 3 & 4
Nuclear Innovation North America, LLC
4000 Avenue F
Bay City, 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

M. A. McBurnett
Senior VP, Oversight & Regulatory Affairs
Nuclear Innovation North America, LLC
4000 Avenue F
Bay City, TX 77414

Bill Mookhoek
Licensing Supervisor
STP Units 3 and 4
4000 Avenue F
Bay City, TX 77414

Mr. Peter G. Nemeth
Crain, Caton & James, P.C.
P.O. Box 289
Mail Code: N5005
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

S. Head

-2-

COL - STP Nuclear - South Texas Mailing List

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

Ms. Jamey Seely
President & CEO
Nuclear Innovation North America, LLC
521 5th Avenue, 30th Floor
New York, NY 10175

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

COL - STP Nuclear - South Texas Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
BrinkmCB@westinghouse.com (Charles Brinkman)
cindyrae_52@yahoo.com
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
Derlinda.Bailey@chguernsey.com (Derinda Bailey)
donald.woodlan@luminant.com (Donald Woodlan)
dwuokko@tane.toshiba.com (Dale Wuokko)
ed.burns@earthlink.net (Ed Burns)
eliza.seedcoalition@gmail.com (Elza Brown)
erg-xl@cox.net (Eddie R. Grant)
gzinke@entergy.com (George Alan Zinke)
jerald.head@ge.com (Jerald G. Head)
jim.riccio@wdc.greenpeace.org (James Riccio)
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)
Ichandler@morganlewis.com (Lawrence J. Chandler)
ldblaylock@cpsenergy.com (Larry Blaylock)
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)
Mark.Crisp@chguernsey.com (Mark Crisp)
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)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
Rschrauder@tane.toshiba.com (Robert Schrauder)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)

S. Head

-2-

COL - STP Nuclear - South Texas Mailing List

smhead@stpegs.com (Scott Head)
stephan.moen@ge.com (Stephan Moen)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekle)
tom.miller@hq.doe.gov (Tom Miller)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
wayne.marquino@ge.com (Wayne Marquino)
wemookhoek@stpegs.com (Bill Mookhoek)