

August 24, 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 NUCLEAR OPERATING COMPANY PROJECT TOPICAL REPORT WCAP-17202-P, "SUPPLEMENT 4 TO BISON TOPICAL REPORT RPA 90-90-P-A"

Dear Mr. Head:

By letter dated June 20, 2011, you submitted an affidavit dated June 13, 2011, executed by J.A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC (Westinghouse), requesting that the responses to RAI 15.00.02-7, RAI 1500.02-12, RAI 15.00.02-17, RAI 15.00.02-23, and RAI 15.00.02-41 contain 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. The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- ii. The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it. and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Westinghouse policy and provides the rational basis required.
- iii. This information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.90; it is to be received in confidence by the Commission.
- iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

- v. The proprietary information sought to be withheld in this submittal is that which is appropriately marked in "Response to the NRC's Request for Additional Information for WCAP-17202, 'Supplement 4 to BISON Topical Report RPA 90-90-P-A'" (Proprietary), for submittal to the Commission, being transmitted by South Texas Project Nuclear Operating Company (STPNOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with the NRC review of WCAP-17202, and may be used only for that purpose.

We have reviewed the June 20, 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

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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: See next page

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NRO-002

OFFICE	DNRL:BWR:PM	DNRL:BWR:LA	DNRL:BWR:PM
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DATE	08/18/2011	08/16/2011	08/18/2011

OFFICIAL RECORD COPY

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FOR SOUTH TEXAS NUCLEAR OPERATING COMPANY PROJECT TOPICAL
REPORT WCAP-17202-P, "SUPPLEMENT 4 TO BISON TOPICAL REPORT
RPA 90-90-P-A" DATED AUGUST 24, 2011

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