

July 18, 2012

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 PROJECTS UNITS 3 AND 4

Dear Mr. Head:

By letter dated May 10, 2012, you submitted an affidavit dated May 10, 2012, executed by you requesting that information in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

South Texas Project, Units 3 and 4, Supplement to Response to April 11, 2012 RAIs: 2010 Amended and Restated TANE Credit Agreement together with Schedules and Exhibits; Supplements and Amendments to the TANE Credit Agreement; and 2010 Shaw Credit Agreement together with Schedules and Exhibits (Proprietary)

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

- i. The information is and has been withheld in confidence by NINA 3, NINA 4 and their affiliates.
- ii. This information is of a type that is customarily held in confidence by NINA 3, NINA 4 and their affiliates, and there is a rational basis for doing so because the information contains sensitive legal and financial information concerning financing arrangements and project costs for NINA 3 and NINA 4.
- iii. This information is being transmitted to the NRC voluntarily, in confidence and under the provisions of 10 CFR 2.390(a)(4) and it is to be received in confidence by the NRC.
- 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 NINA 3, NINA 4, and their affiliates by disclosing internal financial information.

We have reviewed the May 10, 2012, 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 301-415-3470 or via e-mail at patricia.vokoun@nrc.gov.

Sincerely,

/RA/

Patricia Vokoun, Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-012
52-013

cc: See next page

- v. Public disclosure of this information would create substantial harm to the competitive position of NINA 3, NINA 4, and their affiliates by disclosing internal business and financial information.

We have reviewed the May 10, 2012, 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 301-415-3470 or via e-mail at patricia.vokoun@nrc.gov.

Sincerely,
/RA/

Patricia Vokoun, Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-012
52-013

cc: See next page

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(Revised 06/14/2012)

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