

August 9, 2013

Mr. Scott Head
Manager, Regulatory Affairs
STP Units 3 & 4
Nuclear Innovation North America LLC
4000 Avenue F, Suite A
Bay City, TX 77414

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR SOUTH TEXAS PROJECT UNITS 3 AND 4

Dear Mr. Head:

By letter dated July 31, 2013, you submitted an affidavit dated July 29, 2013, executed by Debabrata Mitra-Majumdar, Holtec International, requesting that information 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:

Holtec Report No. HI-2135462, "Licensing Report for South Texas Project
Units 3 & 4 ABWR Spent Fuel Racks," Revision 1

A nonproprietary copy of this document provided in Attachment 3 was placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML13218A292).

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

- i. The information sought to be withheld is information provided within Holtec Report HI-2135462R1 which contains Holtec Proprietary information and is appropriately marked as such.
- ii. The information sought to be withheld is being submitted to the NRC in confidence.
- iii. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. No public disclosure has been made, and it is not available in public sources.
- iv. The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. Release of this information would improve a competitor's position because it would enable Holtec's competitor to copy Holtec's technology and offer it for sale in competition with Holtec, causing Holtec financial injury.

- v. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities.

We have reviewed the July 31, 2013 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 301-415-5787 or Rocky.Foster@nrc.gov.

Sincerely,

/RA/

Rocky Foster, Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-012
52-013

cc: See next page

- v. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities.

We have reviewed the July 31, 2013 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.

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If you have any questions regarding this matter, I may be reached at 301-415-5787 or Rocky.Foster@nrc.gov.

Sincerely,
/RA/

Rocky Foster, Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-012
52-013

cc: See next page

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***via-email**

NRO-002

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(Revised 07/19/2013)

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