

September 24, 2013

Mr. Scott Head
Manager, Regulatory Affairs
STP Units 3 & 4
Nuclear Innovation North America LLC
122 West Way, Suite 405
Lake Jackson, TX 77566

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

Dear Mr. Head:

By letter dated July 23, 2013, Mark McBurnett, Chief Executive Officer and Chief Nuclear Officer, submitted an affidavit dated July 12, 2013, respectively, executed by Bradley F. Maurer, Principal Engineer, Plant Licensing, 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:

Request for Additional Information "RAI 15.00.02-12S01" (Proprietary)

A nonproprietary copy of these documents provided in Attachments 1 through 3 and Attachments 6 through 8 of the July 23, 2013, letter 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. ML13211A301).

The affidavits 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 constitutes Westinghouse policy and provides the rational basis required.
- iii. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, 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 "Additional Responses to the NRO RAIs 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 in response to the NRC questions as part of the NRC's review of WCAP-17202-P and may be used only for that purpose.

We have reviewed the July 23, 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 301-415-8484 or Tom.Tai@nrc.gov.

Sincerely,

/RA/

Tom Tai, 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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Sincerely,

/RA/

Tom Tai, Project Manager
 Licensing Branch 3
 Division of New Reactor Licensing
 Office of New Reactors

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NRO-002

OFFICE	DNRL:LB3:PM	DNRL:LB3:LA	DSRA:SRSB	DSRA:SRSB
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DATE	09/24/13	08/16/13	09/03/13	08/28/13

OFFICIAL RECORD COPY

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(Revised 07/19/2013)

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