

May 11, 2016

Mr. Scott Head  
Manager, Regulatory Affairs  
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

Dear Mr. Head:

By letters dated July 30, 2014 and March 17, 2015, you submitted affidavits associated with each of the above letters. The affidavits, dated July 28, 2014 and March 3, 2015, were executed by Bradley F. Maurer, Principal Engineer, Plant Licensing, Westinghouse Electric Company, LLC (Westinghouse), and James A. Gresham, Manager of Regulatory Compliance, Westinghouse, respectively, requested 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:

WEC-NINA-2014-0005 P-Enclosure: "Responses to RAIs 4.04-1, -2, and -3 for WCAP-17137-P, Revision 0, 'Westinghouse Stability Methodology for the ABWR'" (Proprietary)"

WEC-NINA-2015-0002 P-Enclosure: "Responses to RAIs 4.04-4, -6, and -13 for WCAP-17137-P, Revision 0, 'Westinghouse Stability Methodology for the ABWR'" (Proprietary)"

A nonproprietary copy of these documents provided in Attachments 4, 5, and 6 of the July 30, 2014, letter, and in Attachments 4, 5, and 6 of the March 17, 2015, letter, were placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ADAMS Accession Nos. ML14217A108 and ML15083A107, respectively).

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 U7-C-NINA-NRC-140022 Attachments 1, 2, and 3, WEC-NINA-2014-0005 P-Enclosure: "Responses to RAIs 4.04-1, -2, and -3 for WCAP-17137-P, Revision 0, 'Westinghouse Stability Methodology for the ABWR'" (Proprietary); and U7-C-NINA-NRC-150004, Attachments 1, 2, and 3, WEC-NINA-2015-0002 P-Enclosure, Responses to RAIs 4.04-4, -6, and -13 for WCAP-17137-P, Revision 0, 'Westinghouse Stability Methodology for the ABWR'" (Proprietary), for submittal to the Commission, being transmitted by Nuclear Innovation North America (NINA) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is to assist the NRC in the review of the South Texas Project fuel topical reports and may be used only for that purpose.

We have reviewed the July 30, 2014 and March 17, 2015, letters and the affidavits 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.

Mr. Head

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If you have any questions regarding this matter, I may be reached at 301-415-8484 or [Tom.Tai@nrc.gov](mailto:Tom.Tai@nrc.gov).

Sincerely,

**/RA/**

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

Docket No.: PROJ0772

cc: See next page

Mr. Head

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If you have any questions regarding this matter, I may be reached at 301-415-8484 or [Tom.Tai@nrc.gov](mailto:Tom.Tai@nrc.gov).

Sincerely,

**/RA/**

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

Docket No.: PROJ0772

cc: See next page

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NRO-002

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<b>DATE</b>	4/20/16	04/19/2016	5/11/2016	5/11/2016

**OFFICIAL RECORD COPY**

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