

July 30, 2003

Mr. Thomas J. Jordan
Vice President, Engineering & Technical Services
STP Nuclear Operating Company
South Texas Project Electric Generating Station
P. O. Box 289
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNIT 1 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE PER SECTION 2.790 OF
TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* CONCERNING
BOTTOM MOUNTED INSTRUMENTATION FORCED OUTAGE (TAC
NO. MB8435)

Dear Mr. Jordan:

As part of the tasks concerning the Bottom Mounted Instrumentation Forced Outage, South Texas Project Nuclear Operating Company (STPNOC) submitted affidavits to the U. S. Nuclear Regulatory Commission (NRC) dated April 29, and June 2, 2003, executed by Mr. T. J. Jordan, Vice President, Engineering & Technical Services. The affidavits addressed the proprietary information related to the tasks concerning the Bottom Mounted Instrumentation Forced Outage, and requested that the information be withheld from public disclosure. The nonproprietary copies of the information have been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management Systems Public Electronic Reading Room.

The affidavits stated that pursuant to the provisions of paragraph (b)(4) of Section 2.790 of Title 10 of the *Code of Federal Regulations* (10 CFR), the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information sought to be withheld from public disclosure is owned by and has been withheld from the general public by STPNOC.
- (b) Information regarding the dates and durations of outages could have an adverse impact on the price paid for replacement power during the outage.
- (c) Information regarding the dates and durations of outages could have an adverse impact on the Owners' stock prices.
- (d) Information regarding the dates and durations of outages could have an adverse impact on the value of the South Texas Project and the bidding price for sale of Owner's shares of the South Texas Project.

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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, the NRC staff may send copies of this information to consultants working in this area. In this event, the NRC staff will 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, STPNOC should promptly notify the NRC. STPNOC should also understand that the NRC may have cause to review this determination in the future, e.g., 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, please contact me at 301-415-1476.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-498

cc: See next page

The NRC staff has reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

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If you have any questions regarding this matter, please contact me at 301-415-1476.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
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