

PROPRIETARY



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

May 3, 2010  
U7-C-STP-NRC-100094  
10 CFR 2.390

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

South Texas Project  
Units 3 and 4  
Docket Nos. 52-012 and 52-013  
Revised Response to Request for Additional Information

References:

1. Letter, R. Anand to S. Head, "Request for Additional Information Letter No. 77 Related to Part 1 General and Financial Information of the Combined License Application for the South Texas Project Units 3 and 4," dated February 26, 2009, ML090430373 (cover letter) and ML090430377 (enclosure)
2. Letter, Scott Head to Document Control Desk, "Response to Request for Additional Information," dated March 30, 2009, U7-C-STP-NRC-090021

This letter submits a revised response from STP Nuclear Operating Company (STPNOC) to NRC staff questions enclosed in Request for Additional Information (RAI) letter number 77 (Reference 1) related to South Texas Project Units 3 & 4 (STP 3 & 4) Combined License Application (COLA) Part 1, General and Financial Information. The attachment to this letter provides a revision to the previously submitted response to RAI 1-1 (Reference 2), and also serves as notification from STPNOC to the NRC that effective March 1, 2010, the ownership interests in STP 3 & 4 have changed as described in the attachment to this letter.

An affidavit in support of the request for withholding proprietary information on behalf of Nuclear Innovation North America (NINA) is included with this letter. The affidavit requests that proprietary information contained within the attachment to this letter be withheld from public disclosure in accordance with 10 CFR 2.390. When separated from the proprietary information contained in the attachment, this letter is not proprietary.

DO91  
NRC

STI 32662854

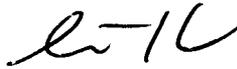
When a change to the COLA is indicated, the change will be incorporated into the next routine revision of the COLA following NRC acceptance of the RAI response.

There are no commitments in this letter.

If there are any questions regarding this revised response, please contact me at (361) 972-7136, or Bill Mookhoek at (361) 972-7274.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/3/10



Scott Head  
Manager, Regulatory Affairs  
South Texas Project Units 3 & 4

ccc

Attachment: RAI 1-1, Revision 1

UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION

In the Matter

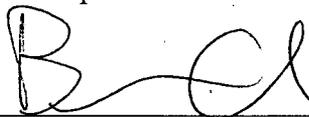
	)		
	)		
STP Nuclear Operating Company	)	Docket Nos.	<u>52-012</u>
	)		<u>52-013</u>
South Texas Project Units 3 & 4	)		

AFFIDAVIT

I, Bruce Chung, Chief Financial Officer for Nuclear Innovation North America LLC (“NINA”), Nuclear Innovation North America Investments Holdings LLC (“NINA Holdings”), Nuclear Innovation North America Investments LLC (“NINA Investments”), NINA Texas 3 LLC (“NINA 3”) and NINA Texas 4 LLC (“NINA 4”), hereby affirm and state:

1. I am authorized to execute this affidavit on behalf of NINA, NINA Holdings, NINA Investments, NINA 3, and NINA 4.
2. NINA 3 and NINA 4 are providing information to support the application for a Combined License for STP Units 3 & 4. The information being provided is located in Part 1 of the application and contains legal and financial information related to the ownership of STP Units 3 & 4. The application also contains proprietary commercial and financial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR2.390(a)(4), because:
  - i. This 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, project cost, and operating expenses of NINA 3 and NINA 4.
  - iii. This information is being transmitted to the NRC voluntarily, in confidence and under the provisions of 10 CFR2.390(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.
- 3. The proprietary information related to the application is shown in Part 1 Tables 1.3-1, 1.3-2, 1.3-3 and 1.3-4 as provided in the attachment to this Affidavit and has been appropriately marked as proprietary.
- 4. The information has substantial commercial value. The information requested to be withheld reveals commercially valuable and sensitive information and information about financing arrangements. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of NINA 3 and NINA 4, NINA Investments, NINA Holdings and NINA itself because it would enhance the ability of competitors to gain knowledge of our costs and our commercial strategies.
- 5. Accordingly, NINA 3 and NINA 4 request that the designated portions of the COLA be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4).

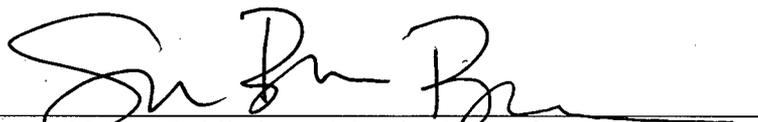


\_\_\_\_\_  
 Bruce Chung  
 Chief Financial Officer  
 Nuclear Innovation North America LLC  
 Nuclear Innovation North America Investments Holdings LLC  
 Nuclear Innovation North America Investments LLC  
 Nuclear Innovation North America Texas 3 LLC  
 Nuclear Innovation North America Texas 4 LLC

STATE OF NEW YORK            )  
   )  
 COUNTY OF NEW YORK        )

Subscribed and sworn to before me, a Notary Public in and for the State of New York,  
 this 27<sup>th</sup> day of April, 2010.

**SIOBHAN BRIDGET BRADY**  
 NOTARY PUBLIC STATE OF NEW YORK  
 NEW YORK COUNTY, L.I.C. #01590218664  
 COMMISSION EXPIRES 3/29/2014



\_\_\_\_\_  
 Notary Public in and for the State of New York

cc: w/o attachment except\*  
(paper copy)

Director, Office of New Reactors  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Regional Administrator, Region IV  
U. S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 400  
Arlington, Texas 76011-8064

Kathy C. Perkins, RN, MBA  
Assistant Commissioner  
Division for Regulatory Services  
Texas Department of State Health Services  
P. O. Box 149347  
Austin, Texas 78714-9347

Alice Hamilton Rogers, P.E.  
Inspection Unit Manager  
Texas Department of State Health Services  
P. O. Box 149347  
Austin, Texas 78714-9347

C. M. Canady  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

\*Steven P. Frantz, Esquire  
A. H. Gutterman, Esquire  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington D.C. 20004

\*Raj Anand  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

(electronic copy)

\*George F. Wunder  
\*Raj Anand  
Loren R. Plisco  
U. S. Nuclear Regulatory Commission

Steve Winn  
Joseph Kiwak  
Eli Smith  
Stephen Smith  
Nuclear Innovation North America

Jon C. Wood, Esquire  
Cox Smith Matthews

Richard Peña  
Kevin Pollo  
L. D. Blaylock  
CPS Energy