



Nuclear Innovation
North America LLC
4000 Avenue F, Suite A
Bay City, Texas 77414

April 6, 2011
U7-C-NINA-NRC-110062

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
Parts 30 and 40 License Withdrawal Request

This letter withdraws the request for licenses under 10 CFR 30 and 40 included in the South Texas Project Units 3 & 4 COLA. Based on our inability to determine the radioactive materials quantities and source form at this time, we determined it necessary to withdraw these requests from the STP Units 3 & 4 COLA.

As NINA identifies the need to procure radioactive materials, STP Units 3 & 4 will then apply for the appropriate licenses to possess this material.

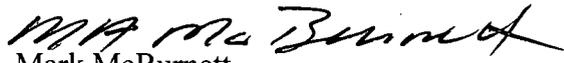
The attachment to this letter includes the applicable portions of the COLA that will be revised removing the requests for Part 30 and 40 Licenses that will be submitted in our next COLA revision.

If you have any questions, please contact Scott Head at (361) 972-7136 or Bill Mookhoek at (361) 972-7274.

There are no commitments in this letter.

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

Executed on 4-6-11


Mark McBurnett
Senior Vice President, Oversight and Regulatory Affairs
Nuclear Innovation North America LLC

fjp

Attachment:

COLA Part 1, Section 1.1 'License Actions Requested' Revision

DO91
MRO

STI 32852036

cc: w/o enclosure except*
(paper copy)

(electronic copy)

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

*George F. Wunder
*Rocky Foster
Loren R. Plisco
U. S. Nuclear Regulatory Commission

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

Steve Winn
Joseph Kiwak
Jamey Seely
Eli Smith
Nuclear Innovation North America

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

Peter G. Nemeth
Crain, Caton & James, P.C.

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

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy

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

*Rocky Foster
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

The changes below to COLA Part 1, Section 1.1 'License Actions Requested' as indicated by the gray shaded text will be included in the next scheduled revision to the STP Units3 & 4 COLA:

- License NINA, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 52 to construct, possess, and use South Texas Project Unit 3 at the designated location in Matagorda County, Texas. It is requested that the license contains a provisions that includes the applicable licenses under 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time such quantities of source, byproduct and special nuclear material as needed to construct the utilization facility and transition the utilization facility to STPNOC for operation on the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103(c).
- License STPNOC pursuant to Section 103 of the Act and 10 CFR Part 52 to possess, use, and operate South Texas Project Unit 3 at the designated location in Matagorda County, Texas, beginning on the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103 (c). It is requested that the term of the license be for a period of 40 years from the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103(c), and contains a provisions that includes the applicable licenses under 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time such quantities of source, byproduct, and special nuclear material as needed to operate the utilization facility.
- License NINA pursuant to Section 103 of the Act and 10 CFR Part 52 to construct, possess, and use South Texas Project Unit 4 at the designated location in Matagorda County, Texas. It is requested that the contains a provisions that includes the applicable licenses under 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time such quantities of source, byproduct, and special nuclear material as needed to construct the utilization facility and transition the utilization facility to STPNOC for operation on the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103 (c).
- License STPNOC pursuant to Section 103 of the Act and 10 CFR Part 52 to possess, use, and operate South Texas Project Unit 4 at the designated location in Matagorda County, Texas, beginning on the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103(c). It is requested that the term of the license be for a period of 40 years from the date on which the Commission makes a finding that acceptance criteria are met under 10 CFR 52.103(g) or allows operation during an interim period under the combined license under 10 CFR 52.103(c), and contains a provisions that includes the applicable licenses under 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time such quantities of source, byproduct, and special nuclear material as needed to operate the utilization facility.