

PROPRIETARY



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

October 18, 2011
U7-C-NINA-NRC-110126
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
Transmittal of Proprietary Presentation

This letter provides the proprietary information presented by Nuclear Innovation North America LLC (NINA) to Nuclear Regulatory Commission (NRC) staff at a meeting on October 11, 2011, regarding the financial qualifications of NINA.

The attachments to this letter include the October 11 meeting presentation and an affidavit requesting that the presentation material be withheld from public disclosure under 10 CFR 2.390. The presentation is entirely proprietary and as such is not provided in a non-proprietary version.

When separated from the proprietary presentation in Attachment 2, this letter is not proprietary.

There are no commitments in this letter.

If there are any questions regarding this submittal, 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 10/18/11


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

Attachments: 1. Affidavit
2. NINA Presentation - Proprietary

DOQ1
NRO

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

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

*Stacy Joseph
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

(electronic copy)

*George F. Wunder
* Stacy Joseph
Charles Casto
U. S. Nuclear Regulatory Commission

Jamey Seely
Nuclear Innovation North America

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)		
)		
Nuclear Innovation North America LLC)	Docket Nos.	52-012
)		52-013
South Texas Project)		
Units 3 and 4)		

AFFIDAVIT

I, Scott Head, being duly sworn, hereby depose and say that I am Manager, Regulatory Affairs, of the South Texas Project Units 3 & 4 (STP 3&4); that I am duly authorized to sign and file with the Nuclear Regulatory Commission (NRC) this affidavit on behalf of Nuclear Innovation North America LLC (NINA); and state:

1. I am authorized to execute this affidavit on behalf of 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”).
2. NINA 3 and NINA 4 are providing the accompanying Attachment 2 to support the application for a Combined License for STP Units 3 & 4. The information contains legal and financial information related to the ownership of STP Units 3 & 4. The proprietary commercial and financial information provided in Attachment 2 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 information in Attachment 2 is proprietary in its entirety 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 entire Attachment 2 accompanied by this affidavit be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4).

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

STATE OF TEXAS)
)
COUNTY OF MATAGORDA)

Subscribed and sworn to before me, a Notary Public in and for the State of Texas,
this 18th day of October, 2011.



Notary Public in and for the
State of Texas