

~~PROPRIETARY~~



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

February 1, 2012
U7-C-NINA-NRC-120012
10 CFR 2.390
10 CFR 52

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
Submittal of Combined License Application Revision 7

Nuclear Innovation North America LLC (NINA) submits Revision 7 to the South Texas Project Units 3 & 4 (STP 3 & 4) Combined License Application (COLA) (Reference 1) as an enclosure to this letter.

Revision 7 to the STP 3 & 4 COLA is intended to incorporate all confirmatory items and close all open items in the application, with the exception of open items currently under discussion in COLA Part 1 and COLA Part 2, Tier 2, Chapters 1, 3, and 9. These items will be included in COLA Revision 8.

This letter contains attachments and enclosures providing the following:

- Attachment 1 – “Affidavit for Withholding Proprietary Information under 10 CFR 2.390,” on behalf of Nuclear Innovation North America (NINA).
- Attachment 2 – “Summary of Preflight Evaluations,” checks performed on the PDF files for each Part included with this submittal (Enclosures 1 and 2).
- Attachment 3 – “Summary of Commitments,” completed, revised, deleted, or added (new).
- Attachment 4 – “Summary of Changes” incorporated into Revision 7 to the COLA.

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Attachment 5 – “List of RAI Responses with Changes to the COLA,” NRC staff Requests for Additional Information (RAI) which required changes to the COLA in the responses, incorporated as of Revision 7.

Enclosures (2) – Two DVDs containing Revision 7 to the COLA in PDF format, prepared in compliance with “Guidance for Electronic Submissions to the NRC.” Each DVD contains a packing slip that explains the contents.

- Enclosure 1 (DVD) provides a complete, non-proprietary and non-security-sensitive version of the STP 3 & 4 COLA suitable for public disclosure.
- Enclosure 2 (DVD) provides a complete proprietary version of the STP 3 & 4 COLA and includes the proprietary and Security Sensitive information.

The affidavit submitted with Reference 1 requesting that proprietary information be withheld from public disclosure in accordance with 10 CFR 2.390 remains applicable to the proprietary information contained in Part 10.

Upon separation from Enclosure 2 (Proprietary Information), this letter is decontrolled.

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

2/1/12



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

lee

Attachments: As stated

Enclosures: 1. DVD, South Texas Project Units 3 & 4 COLA Rev. 07, Non-Proprietary
2. DVD, South Texas Project Units 3 & 4 COLA Rev. 07, Proprietary

References:

1. Letter, M. A. McBurnett to Document Control Desk, "Combined License Application," dated September 20, 2007, ABR-AE-07000004 (ML072830407)
2. Letter, M. A. McBurnett to Document Control Desk, "Request for Exemption From the Requirements of 10 CRF 70.22(b), 70.32(c), 74.31, 74.41, and 74.51," dated October 3, 2011, U7-C-NINA-NRC-110119 (ML11280A82)
3. Letter, Scott Head to Document Control Desk, "Request for Exemption From the Requirements of 10 CRF 70.22(b), 70.32(c), 74.31, 74.41, and 74.51," dated October 27, 2011, U7-C-NINA-NRC-110133 (ML11307A239)
4. Letter, M. A. McBurnett to Document Control Desk, "COLA Correction," dated September 29, 2011, U7-C-NINA-NRC-110120 (ML11279A136)
5. Letter, Scott Head to Document Control Desk, "Response to ACRS Question from ABWR Subcommittee Meeting on June 21, 2011," dated September 26, 2011, U7-C-NINA-NRC-110117 (ML11272A163)

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

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ATTACHMENT 1

**AFFIDAVIT FOR WITHHOLDING PROPRIETARY INFORMATION
UNDER 10 CFR 2.390**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)		
)		
Nuclear Innovation North America LLC)	Docket No.	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 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 portion of the COLA 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 30 day of August, 2011.



Barbara A. Puleo
 Notary Public in and for the
 State of Texas

ATTACHMENT 2

SUMMARY OF PREFLIGHT EVALUATIONS

All submittal PDF files were prepared with Adobe Acrobat Version 8 using the current Job Options file provided by the NRC on its web site. All files passed the preflight check (using the latest NRC preflight profile provided on its web site) except a few files that contained scanned pages that were processed by the Acrobat Optical Character Recognition (OCR) process. In these cases, an error is generated for lack of embedded fonts in the files. This is due to the known and documented inability of Acrobat to embed the fonts in a scanned and OCR processed file.

SUMMARY OF COMMITMENTS

The following table provides a summary of commitments completed, revised, added or deleted in Revision 6 to the COLA.

COLA Section (Commitment Number)	Commitment Summary	Milestone	Commitment Type
Part 2			
17.4S (COM 17.4-1)	D-RAP expert panel complete system reviews, provide a list of SSCs, and have the program elements in place to control future activities.	Third quarter of 2011	Complete
Section 19.4 (COM 19.4-1)	Revised to clarify that the commitment is to include the requirements listed in Subsection 19.4.6 in the abnormal operating procedures for hurricane preparations.	Prior to fuel load	Revised
Part 11			
7.10 (COM 08-18140-63)	Develop a procedure to depressurize the reactor pressure vessel using alternate methods in order to supply water using the AC-Independent Water Addition (ACIWA) system or other portable pump.	Prior to fuel load	New

SUMMARY OF CHANGES

The following table is a summary of changes incorporated into Revision 7 to the COLA. *

Description of Change	Reason for Change
Responses to NRC staff Requests for Additional Information (RAIs) which require a change to the COLA are incorporated, as listed.	See Attachment 5
COLA Part 2, Table 2.0-2, Tornado, Missile Spectra, revised to be consistent with the detailed discussion in Tier 2, Subsection 2.3S.1.3.2, "Tornados."	Public meeting with NRC staff on Jan 5, 2012.
Confirmatory items in COLA Part 2, Sections 12.2 and 12.3, including various tables and figures.	Staff request on conference call.
COLA revisions identified as a result of the evaluation for request for exemption from the requirements of 10 CFR 70.22(b), 70.32(c), 74.31, 74.41 and 74.51. Revisions were made to COLA Part 2, Sections 13.4S and 13.5.	See References 2 and 3
Documentation of STD DEP 15.6-1 to correct an error in Part 2 Section 15.6, and added departure evaluations and descriptions in Section 19.2 and Part 7.	See Reference 4
STD DEP 16.3-97 was updated to include correction of missing heading "SR 3.8.4.2" to the Bases for Part 2, Section B16.3.8.4 and Part 4, Section B3.8.4.	Staff request on conference call.
Revisions made to Part 11 in response to ACRS question regarding mitigating strategy for providing DC power backup to ADS to depressurize the RPV.	See Reference 5

* Changes made to COLA Part 2, Tier 2, Sections 3.9 and 3.9S provided in the responses to RAIs 03.09.06-27 and 03.09.06-28 were not incorporated completely and will be included in Revision 8 of the COLA.

LIST OF RAI RESPONSES WITH CHANGES TO THE COLA

The tables below provide NRC staff Requests for Additional Information (RAI) which require a change to the COLA in the response and are incorporated **in Revision 7**.

RAI responses that require a change to the COLA and are not included in this table will be incorporated into the next routine revision to the COLA.

RAI Question #	Part	Section / Appendix
02.05.04-36	9	3.0
03.07.01-29 (NOTE)	2	Tier 2, 3A and 3H
03.07.02-13 (NOTE)	2	Tier 2, 3.7, 3.8, and 3H
03.07.02-32 (NOTE)	2	Tier 2, 3.4, 3.7, 3.8, and 3H
	9	3.0
03.08.01-11	2	Tier 2, 3.8
03.08.04-18 (NOTE)	2	Tier 2, 3H
		Tier 2, 12.2 and 12.3
		Tier 2, 21.1, 21.17, 21.18, 21.20, and 21.21
03.08.04-30 (NOTE)	2	Tier 2, 3H
03.08.04-33 (NOTE)	2	Tier 2, 1.8
		Tier 2, 3.8
	7	2.1
03.08.04-34 (NOTE)	2	Tier 2, 3H
03.08.04-37	2	Tier 2, 3H
03.09.02-49 (NOTE)	2	Tier 2, 3.9
03.09.03-4 (NOTE)	9	3.0
03.09.06-1 (NOTE)	2	Tier 2, 3.9
03.09.06-28	2	Tier 2, 6.2
09.01.02-5 (NOTE)	2	Tier 2, 9.1
09.02.05-1 (NOTE)		Tier 2, 1.2,
		Tier 2, 3.2
		Tier 2, 9.2
		Tier 2, 21.2
13.06.01-1 (NOTE)	2	Tier 2, 13.4S
19.01-31 (NOTE)	2	Tier 2, 19.4

NOTE: RAI response is supplemented and/or revised.