

PROPRIETARY



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

May 17, 2012
U7-C-NINA-NRC-120039
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

Reference: Letter, Scott Head to Document Control Desk, "Response to Request for Additional Information," U7-C-NINA-NRC-120027, dated April 23, 2012 (ML12121A397).

The attachments to this letter provide a revision to the response (referenced letter) to Request for Additional Information (RAI) Letter dated April 11, 2012 (ML120870087) related to South Texas Project (STP) Units 3 & 4 Combined License Application (COLA) Part 1, General and Financial Information, and accompanying proprietary information affidavit.

Attachment 1 is an affidavit requesting that the information provided in Attachment 2 and marked as proprietary be withheld from public disclosure in accordance with 10 CFR 2.390. Attachment 2 provides a revised response to Question 3 in the April 11, 2012 RAIs.

There are no changes to the COLA required as a result of this response.

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

There are no commitments in this letter.

DO 91
NRD

STI 33548196.

If there are any questions regarding this 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 5/17/12



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

Attachments:

1. Proprietary Information Affidavit
2. Revised Response to April 11, 2012 RAIs (PROPRIETARY)

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

(electronic copy)

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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 & NINA 4 are providing the accompanying information in response to a Request for Additional Information (RAI) related to and in support of Part 1 General and Financial Information of the Combined License (COL) Application for STP 3 & 4. Specifically, the information being submitted in the accompanying Attachment 2 contains proprietary financial information related to STP 3 & 4 that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(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 it contains sensitive financial information related to NINA 3 and NINA 4.
 - iii. This information is being transmitted to the NRC voluntarily, in confidence and under the provisions of 10 CFR 2.390(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 business and financial information.

3. The information provided in Attachment 2 to this letter has substantial commercial value and provides sensitive financial information. Public disclosure of this 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. The proprietary information is appropriately marked at the top of the page with "Proprietary Information – Withhold from public disclosure under 10 CFR 2.390(a)(4)" in accordance with NRC guidance on categories of proprietary information defined in 10 CFR 2.390 and clarified by Regulatory Issue Summary 2004-11.

4. The RAI questions provided in the enclosure to the RAI letter dated April 11, 2012 (ML120870087), as submitted to NINA by the NRC, were identified as proprietary with the marking "Official Use Only – Proprietary Information." As such, the information provided in Attachment 2 to this letter is proprietary in its entirety and has been appropriately marked as proprietary.

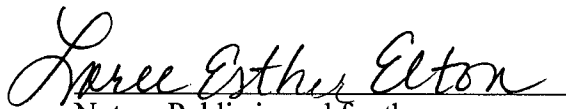
5. Accordingly, NINA requests that Attachment 2 accompanied by this affidavit be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4).



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 17th day of May, 2012.



Notary Public in and for the
State of Texas

