

~~PROPRIETARY~~



**Nuclear Innovation**  
North America LLC  
122 West Way, Suite 405  
Lake Jackson, Texas 77566

April 17, 2013  
U7-C-NINA-NRC-130028  
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 9

Reference: Letter, M. A. McBurnett to Document Control Desk, "Combined License Application," dated September 20, 2007, ABR-AE-07000004 (ML072830407)

Nuclear Innovation North America LLC (NINA) submits Revision 9 to the South Texas Project Units 3 & 4 (STP 3 & 4) Combined License Application (COLA) (Reference) as an enclosure to this letter.

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

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)

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NRO

STI 33681286

Attachment 3 – “Summary of Commitments,” completed, revised, deleted, or added (new)

Attachment 4 – “Summary of Changes” incorporated into Revision 9 to the COLA

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 9

Attachment 6 - Summary of Changes to COLA Part 1

Enclosures (2) – Two DVDs containing Revision 9 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 the referenced letter 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 (979) 316-3011, or Bill Mookhoek at (979) 316-3014.

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

Executed on 4/17/13



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

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Attachments: As stated

Enclosures: 1. DVD, South Texas Project Units 3 & 4 COLA Rev. 09, Non-Proprietary  
2. DVD, South Texas Project Units 3 & 4 COLA Rev. 09, Proprietary

cc: w/o attachments and enclosures 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  
Fred Brown  
U. S. Nuclear Regulatory Commission

Jamey Seely  
Nuclear Innovation North America

Regional Administrator, Region IV  
U. S. Nuclear Regulatory Commission  
1600 E. Lamar Blvd.  
Arlington, TX 76011-4511

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

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

Richard Peña  
Kevin Pollo  
L. D. Blaylock  
CPS Energy

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

\*George Wunder  
\*Chau Nguyen  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

**ATTACHMENT 1**

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

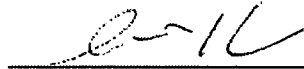
In the Matter of	)		
	)		
Nuclear Innovation North America LLC	)	Docket No.	52-012
	)		52-013
South Texas Project	)		
Units 3 and 4	)		

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:

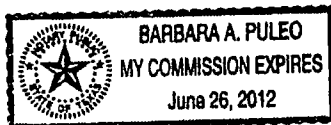
1. I am authorized to execute this affidavit on behalf of NINA, Nuclear Innovation North America Investments Holdings LLC ("NINA Holdings"), Nuclear Innovation North America Investments LLC ("NINA Investments"), NINA Texas 3 LLC ("NINA 3") and NINA Texas 4 LLC ("NINA 4").
2. NINA 3 and NINA 4 are providing 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.

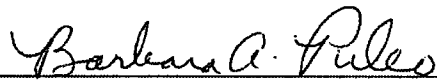
- v. Public disclosure of this information would create substantial harm to the competitive position of NINA 3, NINA 4, and their affiliates by disclosing internal financial information.
3. The proprietary information related to the application is shown in Part 1 Tables 1.3-1, 1.3-2, 1.3-3, and 1.3-4 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.



  
\_\_\_\_\_  
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 9 to the COLA.

Commitment Number	Commitment Summary	Milestone	Commitment Type
12.24820-10	Review the Emergency Plan for STP 1 & 2 and the Emergency Plan for STP 3 & 4 to identify and reconcile any differences within 270 days prior to the scheduled initial fuel load of STP 3. Combine the plans into a single Station Emergency Plan and submit it to the NRC as required by 10 CFR 50.54q.	180 days prior to fuel load of STP Unit 3	New
12-27891-02	An assessment of staff and communications capabilities necessary to respond to a beyond-design basis multi-unit event will be conducted in accordance with NEI 12-01, Revision 0. Any necessary enhancements to the Emergency Plan resulting from this assessment will be incorporated into the Emergency Plan implementing procedures which will be submitted to the NRC for review within 180 days prior to fuel load.	180 days prior to fuel load	New



## SUMMARY OF CHANGES

The following table is a summary of changes incorporated into Revision 9 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
Routine updates to COLA Part 1	See Attachment 6
Revision number and dates were updated for References 6C-11 and 6C-12	Update
Spent Fuel Storage COL Items in section 9.1.6 were updated to Reflect the Holtec International Technical Reports.	Update
Commitment to incorporate specific items in the Emergency Plan in response to the Emergency Preparedness rule change.	EP rule change
Emergency Plans for the State of Texas and Matagorda County in Texas were reviewed by the issuer to determine if they contained sensitive information. Section 6.2 was the only section to be classified as sensitive. As such it is withheld on the Public version of the COLA. All others were available to be issued with the public version of the COLA.	NRC staff request

## 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 9\***.

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
01.05-2 (NOTE)	2	Tier 2, Appendix 1E
01.05-3 (NOTE)	2	Tier 2, Appendix 1E
01.05-4 (NOTE)	2	Tier 2, Appendix 1E
01.05-6	2	Tier 2, Appendix 1E
	9	Part 9
01.05-7	2	Tier 2, Appendix 1E
02.03.01-24 (NOTE)	2	Tier 2, Appendix 3H
03.08.04-18 (NOTE)	2	Tier 2, 3.8 and Appendix 3H
03.08.04-23 (NOTE)	2	Tier 2, Appendix 3H
03.08.04-38	2	Tier 2, 1.8 and 1.9S
03.08.04-39 (NOTE)	2	Tier 2, 3.2, 3.4, Appendix 3H, 11.2, and 11.4
03.09.02-52	2	Tier 2, 3.9
03.09.04-1 (NOTE)	2	Tier 2, 3.9
03.09.06-1 (NOTE)	2	Tier 2, 1.8, 1.9S, and 3.9
	7	2.1 and 5.0
03.09.06-28	2	Tier 2, 3.9S
09.01.01-3 (NOTE)	2	Tier 2, 9.1
09.01.01-4 (NOTE)	2	Tier 2, 9.1
13.03-75	5	G (various subparts)
13.03-76	5	D.1
13.03-78	5	I.6
13.03-79	9	4.0
13.03-80	5	N.2
13.03-81	2	Tier 2, 13.4S

\* Minor editorial changes identified during review of previous RAI responses are not included in this list but corrections were made in this revision.

NOTE: RAI response is supplemented and/or revised.

## SUMMARY OF CHANGES TO COLA PART 1

The following is a summary of changes incorporated into Revision 9 to the COLA.

1. On January 31, 2013, NINA provided a proposed update to COLA Part 1 to be incorporated into COLA Revision 9. All these changes were included in COLA Revision 9. These changes include:
  - Updates to the addresses of STP Nuclear Operating Company (STPNOC) and Nuclear Innovation North America (NINA).
  - The acquisition of Shaw Group by Chicago Bridge and Iron proposed to be completed in the first quarter of 2013.
  - An updated description of the NRG Energy generating assets. This was updated due to the NRG merger with GenOn Energy .
  - A discussion on entities that held more than 5% of the voting stock in NRG.
  - Update of Table 1.2-2, NRG Officers and Directors of NRG Energy Inc., which increased due to the NRG merger with GenOn Energy.
  - Routine update of Table 1.2-4, Trustees and Senior Executive Team of CPS Energy.
  - Routine update of Table 1.2-5, Officers and Directors of STP Nuclear Operating Company.
2. During the preparation of COLA Revision 9, three additional changes were identified and incorporated. These changes include:
  - Addition that the acquisition of Shaw Group by Chicago Bridge and Iron was completed in February 2013, as previously projected.
  - Updated the entities that held more than 5% of NRG Energy voting stock since Orbis Management (a foreign domiciled entity) reported that its holding of NRG Energy stock was reduced to 0% as of December 31, 2012, which eliminates this foreign investment in NRG Energy.
  - Update to Table 1.2-2, NRG Officers and Directors of NRG Energy Inc. to indicate that one Director who previously was not a US citizen had since obtained US citizenship .
  - Corrected the address for NINA on Table 1.2-1 and NINA Texas 3 and NINA Texas 4 on Table 1.2-3.