

July 1, 2013

~~PROPRIETARY~~~~NINA Proprietary - Contains Protected Information - Protect in Accordance with the April 26, 2012 Protective Order~~

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

June 7, 2012  
U7-C-NINA-NRC-120051  
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  
Supplement to 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).

This letter provides a supplement to NINA's previous response (referenced letter) to Request for Additional Information (RAI) Letter dated April 11, 2012 related to South Texas Project (STP) Units 3 & 4 Combined License Application (COLA) Part 1, General and Financial Information (April 11, 2012 RAIs). This submittal completes the response to the April 11, 2012 RAIs.

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 supplemental information to NINA's previous response to Question 8 (referenced letter).

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.

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 6/7/12



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

ccc

Attachments:

1. Proprietary Information Affidavit
2. Supplement to 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 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 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 and requested to be withheld has substantial commercial value and provides sensitive information related to financial statements. 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.
4. Information proprietary to NINA 3, NINA 4, and their affiliates included in Attachment 2 to this letter 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 the NRC's guidance on categories of proprietary information defined in 10 CFR 2.390 and clarified by Regulatory Issue Summary 2004-11.
5. The RAI questions provided in the enclosure to the RAI letter dated April 11, 2012, as submitted to NINA by the NRC, were identified as containing proprietary information with the marking "Official Use Only – Proprietary Information." As such, the information in Attachment 2 is proprietary in its entirety and has been appropriately marked as proprietary.
6. 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 7<sup>th</sup> day of June, 2012.



\_\_\_\_\_  
Notary Public in and for the  
State of Texas

Supplement to Response to April 11, 2012 RAIs

U7-C-NINA-NRC-120051  
Attachment 2  
Page 1 of 2

**April 11, 2012 RAIs**

**Question 8: Contribution Agreements.**

Indicate the total commitments owed to NINA, broken out by equity (cash) and debt, by NRG and Toshiba. Indicate how much of the financial commitments have already been contributed. Indicate when the TANE credit facility will mature, if it will be extended, and the total amount that will be provided in the new or extended credit facility.

**RESPONSE to Question 8, Supplement:**

The information provided in this response supplements NINA's previous response provided in letter U7-C-NINA-NRC-120027, dated April 23, 2012.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

