

~~PROPRIETARY~~



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

October 29, 2013
U7-C-NINA-NRC-130058
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 10

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 10 to the South Texas Project Units 3 & 4 (STP 3 & 4) Combined License Application (COLA) (Reference) as an enclosure to this letter.

Revision 10 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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Attachment 3 – “Summary of Commitments,” completed, revised, deleted, or added (new)

Attachment 4 – “Summary of Changes” incorporated into Revision 10 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 10

Enclosures (2) – Two DVDs containing Revision 10 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 Scott Head 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 10/29/2013


Mark McBurnett
Chief Executive Officer and Chief Nuclear Officer
Nuclear Innovation North America LLC

wem

Attachments: As stated

Enclosures: 1. DVD, South Texas Project Units 3 & 4 COLA Rev. 10, Non-Proprietary
2. DVD, South Texas Project Units 3 & 4 COLA Rev. 10, Proprietary

cc: w/o attachments and enclosures except*
(paper copy)

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Richard Peña
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CPS Energy

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, Mark McBurnett, being duly sworn, hereby depose and say that I am Chief Executive Officer and Chief Nuclear Officer, of Nuclear Innovation North America LLC; 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).



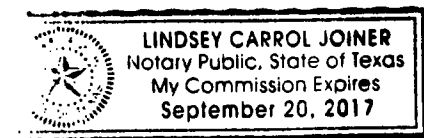
Mark McBurnett
Chief Executive Officer and Chief Nuclear Officer
Nuclear Innovation North America LLC

STATE OF TEXAS)
)
COUNTY OF Brazoria)

Subscribed and sworn to before me, a Notary Public in and for the State of Texas, this 29 day of October, 2013.



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

There are no completed, revised, added or deleted commitments in Revision 10 to the COLA.

SUMMARY OF CHANGES

The following table is a summary of changes incorporated into Revision 10 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
Update to Fuel Storage and Handling Equipment departure 9.1-1 to eliminate lead in guides for the top of the storage spaces in Part 9, Section 3.0	Spent Fuel Rack design
Elimination of lead in guides for the top of the storage spaces from Part2, Tier 2, Section 9.1	Spent Fuel Rack design
Include explanation on use of 2 seed time histories in Part 2 Tier 2 Appendix 3A in response to ACRS question	ACRS question
Incorporation of editorial items of previously submitted RAIs identified by staff review in Part 2, Tier 2, Appendix 3H	Staff request
Incorporation of editorial items of previously submitted RAIs identified by staff review in Part 2, Tier 2, Chapter 3.9	Staff request
Spent Fuel Storage COL Items in section 9.1.6 were updated to Reflect the Holtec International Licensing Reports.	Update

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 10*.

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
01.05-22	2	Tier 2, 13.5
01.05-21 Revision 1	2	Tier 2, Appendix 1E
	9	Part 9, 3.0
01.05-6 Supplement 1	2	Tier 2, Appendix 1E
01.05-5	2	Tier 2, Appendix 1E
01.05-3 Revision 3	2	Tier 2, Appendix 1E
	9	Part 9, 3.0
08.02-25 Revision 1	9	Part 9, 3.0
03.09.02-52 Revision 1	2	Tier 2, 3.9.8
03.09.02-52 Revision 2	2	Tier 2, 3.9

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