

July 2, 2012

Michael M. Gibson, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Gary S. Arnold
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Randall J. Charbeneau
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
Nuclear Innovation North America LLC
(South Texas Project, Units 3 & 4)
Docket Nos. 52-012 and 52-013

Dear Administrative Judges:

Pursuant to 10 C.F.R. § 2.336(b) and (c), 10 C.F.R. § 2.1203, and the Licensing Board's Initial Scheduling Order of October 20, 2009, the Staff herein provides to the Licensing Board and the Parties an index containing information required to be disclosed by the Staff. The index contains the ADAMS accession number, date, and title of each item so as to make the item readily retrievable from the agency's website, www.nrc.gov, using the ADAMS "Find" function. Additionally, the Staff will have created a separate folder in the agency's Electronic Hearing Docket associated with this proceeding under the "Staff Discovery Materials" tab. Due to technical difficulties with ADAMS, the Staff has not yet been able to make available two documents listed on this index, which are highlighted in yellow. The Staff has emailed these documents to the parties so that they will have access to these documents while the technical issues with ADAMS are being resolved. Also attached, as required by § 2.336(c), is the Affidavit of David Misenhimer, P.E.

Further, in accordance with the Initial Scheduling Order, the Staff herein produces a list identifying all documents withheld as proprietary, security-related, or Safeguards Information. The Staff shall preserve and maintain all privileged and/or otherwise protected documents during the pendency of this proceeding.

Respectfully submitted,

/signed (electronically) by/

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Enclosures: Attachment 1: Hearing File Index
Attachment 2: List of Documents Withheld
Attachment 3: Affidavit of David Misenhimer, P.E.

Attachment 1**South Texas Project COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 33 – July 2, 2012**

	Accession Number	Document Date	Title/Description
33-1	N/A	05/02/2012	OI Master List.xlsx
33-2	ML12144A294	05/17/2012	South Texas Project Units 3 and 4, Revised Response to Request for Additional Information.
33-3	ML12144A305	05/17/2012	South Texas Project, Units 3 and 4, Fuel Related Schedule.
33-4	ML12144A310	05/17/2012	South Texas Project, Units 3 & 4, Response to Request for Additional Information (RAI) Letter dated April 18 2012.
33-5	ML12179A467	05/17/2012	2012/05/17 STP COL - FW: Punch List Item 251
33-6	ML12131A637	05/18/2012	Letter re: Request for Withholding Information From Public Disclosure For South Texas Projects, Units 3 and 4.
33-7	ML12131A453	05/21/2012	Request For Withholding Information From Public Disclosure For South Texas Projects, Units 3 and 4.
33-8	ML121320538	05/21/2012	U7-C-NINA-NRC-110139-1 Request For Withholding Information From Public Disclosure For South Texas Projects Units 3 And 4.
33-9	ML12135A238	05/21/2012	U7-C-NINA-NRC-110139-2 Request For Withholding Information From Public Disclosure For South Texas Projects Units 3 And 4.
33-10	ML12135A409	05/21/2012	Request for Withholding Information From Public Disclosure For South Texas Projects Units 3 And 4.
33-11	ML121390321	05/22/2012	Summary Of Weekly Conference Call Meeting To Discuss Open Items And Outstanding Requests For Additional Information Responses Relating To Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application On May 16, 2012.
33-12	ML121390335	05/22/2012	List Of Participants; Open Item Conference Call; May 16, 2012.
33-13	ML12139A144	05/22/2012	6/6/2012 - Notice Of Forthcoming Meeting To Discuss Open Items And Outstanding Requests For Additional Information Responses Relating To Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application.

	Accession Number	Document Date	Title/Description
33-14	ML12145A618	05/22/2012	Non-Disclosure Affidavit for Michael Sheehan in the Matter of South Texas Project, Units 3 and 4.
33-15	ML12150A161	05/22/2012	South Texas Project, Units 3 and 4, Response to Request for Additional Information Related to Part 2, Tier 2, Section 2.3S, Meteorology.
33-16	ML12179A526	05/22/2012	2012/05/22 STP COL - NINA/STP OI Telecom agenda for May 23, 2012
33-17	ML12179A525	05/23/2012	2012/05/23 STP COL - FW: Section 3.7 & 3.8 Actions - Updated May 22, 2012
33-18	ML12179A524	05/24/2012	2012/05/24 STP COL - May 23 OI Call
33-19	ML12136A497	05/29/2012	Request for Withholding Information from Public Disclosure for South Texas Projects (May 3, 2012).
33-20	ML12153A101	05/29/2012	South Texas Project, Units 3 & 4, Supplemental Response to Request for Additional Information to NRC Staff Questions 03.07.01-29 and 03.07.02-13.
33-21	ML12158A415	05/30/2012	South Texas Project, Units 3 & 4 - Supplemental Response to Request for Additional Information Related Combined License Application Part 2, Tier 2, Section 3.9.2.
33-22	ML12158A418	05/30/2012	South Texas Project Units 3 and 4 - Comprehensive Vibration Assessment Program (Unit 4).
33-23	ML12163A392	05/30/2012	South Texas Project, Units 3 and 4, Comprehensive Vibration Assessment Program Measurement, Test, and Inspection Plan (Unit 3).
33-24	ML12165A658	05/30/2012	South Texas Project, Units 3 & 4 - Comprehensive Vibration Assessment Program (Unit 3).
33-25	ML12166A250	05/30/2012	South Texas Project Units 3 and 4, Steam Dryer Flow-Induced Vibration Assessment Report (Unit 3).
33-26	ML12170A899	05/30/2012	South Texas Project, Units 3 and 4 - Reactor Internals Non-Dryer Component Flow-Induced Vibration Assessment Report.
33-27	ML12179A523	05/30/2012	2012/05/30 STP COL - NINA/STP OI Telecom agenda for May 0, 2012
33-28	ML12180A544	05/31/2012	FW: Transmittal of Letter U7-C-NINA-NRC-120050 Request for Commission Consideration of Policy Issue Regarding Financial Qualifications for New Merchant Plants

	Accession Number	Document Date	Title/Description
33-29	ML12158A420	05/31/2012	WCAP-17257-NP, Revision 1, "STP Unit 4 Reactor Internals Flow-Induced Vibration Assessment Program (Non-Proprietary)."
33-30	ML12163A394	05/31/2012	WCAP-17370-NP, Rev 3, "South Texas Project Unit 3 Comprehensive Vibration Assessment Program Measurement, Test, and Inspection Plan."
33-31	ML12165A660	05/31/2012	WCAP-17256-NP, Revision 3, "STP Unit 3 ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program."
33-32	ML12166A251	05/31/2012	Attachment 3, WCAP-17385-NP, Revision 3 (Non-Proprietary) "STP Unit 3 Steam Dryer Flow-Induced Vibration Assessment."
33-33	ML12170A897	05/31/2012	WCAP-17371-NP, Revision 3, "South Texas Project, Units 3 and 4 - Reactor Internals Non-Dryer Component Flow-Induced Vibration Assessment," Attachment 3.
33-34	ML12179A522	06/04/2012	2012/06/04 STP COL - NINA/STP OI Telecom agenda for June 6, 2012
33-35	ML12151A352	06/07/2012	Request For Withholding Information From Public Disclosure For South Texas Projects, Units 1 and 2 (May 17, 2012).
33-36	ML12173A382	06/07/2012	2012/06/07 STP COL - STP34 Radwaste Building
33-37	ML12151A357	06/08/2012	Request For Withholding Information From Public Disclosure For South Texas Projects, Units 1 and 2 (April 4, 2012).
33-38	ML12136A268	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (October 11, 2010).
33-39	ML12136A323	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (October 25, 2010).
33-40	ML12136A409	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (February 14, 2011).
33-41	ML12136A421	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (January 25, 2011).
33-42	ML12136A434	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (February 23, 2011).
33-43	ML12136A440	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (February 24, 2011).

	Accession Number	Document Date	Title/Description
33-44	ML12136A463	06/11/2012	Request For Withholding Information From Public Disclosure (February 28, 2011).
33-45	ML12136A476	06/11/2012	Request For Withholding Information From Public Disclosure (February 28, 2011).
33-46	ML12136A481	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (June 30, 2011).
33-47	ML12136A484	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (June 30, 2011).
33-48	ML12136A489	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (August 24, 2011).
33-49	ML12136A491	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (November 4, 2011).
33-50	ML12137A289	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (April 19, 2010).
33-51	ML12137A295	06/11/2012	Request For Withholding Information From Public Disclosure For South Texas Projects (June 1, 2010).
33-52	ML12137A310	06/11/2012	Request for Withholding Information From Public Disclosure for South Texas Projects (June 10, 2010).
33-53	ML12158A393	06/12/2012	06/27/2012 - Notice of Forthcoming Meeting to Discuss Open Items and Outstanding Requests For Additional Information Responses Relating to Nuclear Innovation North America � South Texas Project Units 3 and 4 Combined License Application.
33-54	ML12179A519	06/12/2012	2012/06/12 STP COL - NINA/STP June 20 OI Telecon Postponed
33-55	ML12170A663	06/14/2012	South Texas Project, Units 3 and 4 - Distribution List Changes Update.

Attachment 2 South Texas Project COL Hearing File and Mandatory Disclosures
List of Documents Withheld – Proprietary Information, Security-Related Information, and Safeguards Information
Update 33 – July 2, 2012

Pursuant to the Initial Scheduling Order issued by the Licensing Board on October 20, 2009, the Staff is providing this list to identify the following documents withheld as proprietary, security-related, or Safeguards Information, and subject to protected status under Section 2.390.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
33-1	ML12144A306	Nuclear Innovation North America, LLC	South Texas Project, Units 3 and 3, Update on Fuel-Related LTR Schedule.	05/17/2012	Schedule and Calendars	NRC/NRO	Proprietary Information	4
33-2	ML12144A296	Nuclear Innovation North America, LLC	South Texas Project, Units 3 and 4, Revised Response to Request for Additional Information Concerning General and Financial Information.	05/17/2012	Report, Technical	NRC/NRO	Proprietary Information	3
33-3	ML12158A417	Nuclear Innovation North America, LLC Westinghouse Electric Co	Supplemental 1 Response to Request for Additional Information Related Combined License Application Part 2, Tier 2, Section 03.09.02.51.	05/30/2012	Report, Technical	NRC/NRO	Proprietary Information	9

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
33-4	ML12178A746	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-120041	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	29
33-5	ML12178A650	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-120043	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	105
33-6	ML12178A735	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-120043	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	105
33-7	ML12178A649	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-120044 - Pre-decisional	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	675
33-8	ML12173A378	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-120045 - Pre-decisional	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	243

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
33-9	ML12173A377	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA- NRC-120046 Pre- decisional	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	387
33-10	ML12173A376	NRC/NRO	2012/05/31 STP COL - FW: Transmittal of Letter U7-C-NINA- NRC-120047 - Pre- decisional	05/31/2012	E-Mail	NRC/NRO	Proprietary Information	41
33-11	ML12166A252	Quinn R D,Westinghous e Electric Co, LLC	Attachment 2, WCAP- 17385-P, Revision 3 (Proprietary), "STP Unit 3 Steam Dryer Flow-Induced Vibration Assessment." Part 1 of 2.	05/31/2012	Topical Report	,NRC/NRO	Proprietary Information	127
33-12	ML12166A253	Quinn R D,Westinghous e Electric Co, LLC	Attachment 2, WCAP- 17385-P, Revision 3 (Proprietary), "STP Unit 3 Steam Dryer Flow-Induced Vibration Assessment." Part 2 of 2.	05/31/2012	Topical Report	NRC/NRO	Proprietary Information	62

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
33-13	ML12165A661	Quinn R D, Westinghouse Electric Co, LLC	WCAP-17256-P, Revision 3, "STP Unit 3 ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program."	05/31/2012	Report, Technical	NRC/NRO	Proprietary Information	116
33-14	ML12158A421	Quinn R D, Nuclear Innovation North America, LLC	WCAP-17257-P, Revision 1, "STP Unit 4 Reactor Internals Flow-Induced Vibration Assessment Program."	05/31/2012	Topical Report	NRC/NRO	Proprietary Information	15
33-15	ML12163A395	Quinn R D, Westinghouse Electric Co, LLC	WCAP-17370-P, Revision 3, "South Texas Project Unit 3 Comprehensive Vibration Assessment Program Measurement, Test, and Inspection Plan."	05/31/2012	Report, Technical	NRC/NRO	Proprietary Information	47

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
33-16	ML12170A898	Quinn R D, Westinghouse Electric Co, LLC	WCAP-17371-P, Revision 3, "South Texas Project, Units 3 and 4 - Reactor Internals Non-Dryer Component Flow-Induced Vibration Assessment," Attachment 2.	05/31/2012	Report, Technical	NRC/NRO	Proprietary Information	332
33-17	ML12164A166	Nuclear Innovation North America, LLC	Enclosure: Supplement to Response to April 11, 2012 RAIs (Proprietary).	06/07/2012	Report, Technical	NRC/NRO	Proprietary Information	3

Attachment 3

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
NUCLEAR INNOVATION NORTH)	
AMERICA LLC)	Docket Nos. 52-012 & 52-013
)	
(South Texas Project, Units 3 & 4))	

AFFIDAVIT OF DAVID MISENHIMER, P.E., CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS

I, David Misenhimer, P.E., do hereby state as follows:

1. I am employed as a Project Manager in Licensing Branch 3 of the Division of New Reactor Licensing in the Nuclear Regulatory Commission's ("NRC") Office of New Reactors. I serve as a project manager for the NRC's review of the Combined License Application submitted by Nuclear Innovation North America LLC, at issue in this proceeding.

2. In accordance with 10 C.F.R. § 2.336(c), I hereby certify that all relevant materials required to be disclosed in the captioned proceeding have been disclosed and that the disclosures are accurate and complete for documents identified as of June 15, 2012.

3. In accordance with the Board's Initial Scheduling Order of October 20, 2009, the NRC staff conducted a reasonable good faith search for all documents or information, including electronically stored information, subject to the mandatory disclosure and hearing file requirements and the disclosure or production excludes only (a) documents or information exempted from disclosure pursuant to the law, including NRC regulations or this order, and (b) information that is not reasonably accessible because of undue burden or cost. The NRC staff has not excluded any information due to it not being reasonably accessible because of undue burden or cost.

4. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in Accord with 10 CFR § 2.304(d)

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Executed in Rockville, MD
this 28th day of June, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
NUCLEAR INNOVATION NORTH)
AMERICA LLC) Docket Nos. 52-012 & 52-013
)
(South Texas Project, Units 3 & 4))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated July 2, 2012, providing notice of the availability of the thirty-third update to the hearing file and mandatory disclosures made pursuant to 10 C.F.R. § 2.336, with attachments, together with the affidavit of David Misenhimer, have been served upon the following persons by Electronic Information Exchange this 2nd day of July 2012:

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