

May 1, 2013

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 Revised Scheduling Order of October 3, 2012, the NRC staff herein provides to the licensing board and the parties an index containing information required to be disclosed by the NRC 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](http://www.nrc.gov), using the ADAMS search function. Additionally, the NRC staff will have created a separate folder in the agency's Electronic Hearing Docket associated with this proceeding under the "Staff Discovery Materials" tab. Also attached, as required by § 2.336(c), is the Affidavit of Rocky Foster.

Further, in accordance with the Revised 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/**

L. Sheldon Clark  
Counsel for the NRC Staff  
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Enclosures: Attachment 1: Hearing File and Mandatory Disclosures Index  
Attachment 2: List of Documents Withheld  
Attachment 3: Affidavit of Rocky Foster

## Attachment 1

South Texas Project COL Hearing File and Mandatory Disclosures Index  
Update 43 – May 1, 2013

	Accession Number	Document Date	Title/Description
43-1	N/A	N/A	Interim Auditing Standard Section 341.06, The Auditor's Consideration of an Entity's Ability to Continue as a Going Concern: Consideration of Conditions and Events, <i>available at</i> <a href="http://pcaobus.org/Standards/Auditing/Pages/AU341.aspx">http://pcaobus.org/Standards/Auditing/Pages/AU341.aspx</a>
43-2	N/A	2006	Douglas G. Baird & Robert K. Rasmussen, Private Debt and the Missing Lever of Corporate Governance, 154 U. PA. L. REV. 1209 (2006), <i>available at</i> <a href="https://www.law.upenn.edu/journals/lawreview/articles/volume154/issue5/BairdRasmussen154U.P.a.L.Rev.1209(2006).pdf">https://www.law.upenn.edu/journals/lawreview/articles/volume154/issue5/BairdRasmussen154U.P.a.L.Rev.1209(2006).pdf</a>
43-3	N/A	3/20/2007	<i>Virgin America, Inc.</i> , Order to Show Cause, Docket No. OST-2005-23307 (Mar. 20, 2007) (Dept. of Transportation), <i>available at</i> <a href="http://www.regulations.gov/contentStreamer?objectId=09000006480e7d5a9&amp;disposition=attachmnt&amp;contentType=pdf">http://www.regulations.gov/contentStreamer?objectId=09000006480e7d5a9&amp;disposition=attachmnt&amp;contentType=pdf</a>
43-4	N/A	1/6/2010	Shaw Group, Inc., Current Report (Form 8-K) (Jan. 6, 2010), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/914024/000095012310000688/h692228e8vk.htm">http://www.sec.gov/Archives/edgar/data/914024/000095012310000688/h692228e8vk.htm</a>
43-5	N/A	12/3/2010	Shaw Group, Inc., Current Report (Form 8-K) (Dec. 3, 2010), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/914024/000095012310110851/c09322e8vk.htm">http://www.sec.gov/Archives/edgar/data/914024/000095012310110851/c09322e8vk.htm</a>
43-6	N/A	1/6/2011	Shaw Group, Inc., Quarterly Report (Form 10-Q) (Jan. 6, 2011), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/914024/000143774911000120/shaw_10q-113010.htm">http://www.sec.gov/Archives/edgar/data/914024/000143774911000120/shaw_10q-113010.htm</a>
43-7	N/A	2/22/2011	NRG Energy, Inc., Annual Report (Form 10-K) (Feb. 22, 2011), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/1013871/000104746911001125/a2202097z10-k.htm">http://www.sec.gov/Archives/edgar/data/1013871/000104746911001125/a2202097z10-k.htm</a>
43-8	N/A	5/5/2011	NRG Energy Inc., Quarterly Report (Form 10-Q) (May 5, 2011), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/1013871/000110465911026199/a11-8686_110q.htm">http://www.sec.gov/Archives/edgar/data/1013871/000110465911026199/a11-8686_110q.htm</a>
43-9	N/A	10/31/2011	Shaw Group, Inc., Annual Report (Form 10-K) (Oct. 31, 2011), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/914024/000143774911007885/shaw_10k-083111.htm">http://www.sec.gov/Archives/edgar/data/914024/000143774911007885/shaw_10k-083111.htm</a>
43-10	N/A	1/1/2012	Toshiba Corp., Annual Report 2012: Operational Review 51 (2012), <i>available at</i> <a href="http://www.toshiba.co.jp/about/ir/en/finance/ar/ar2012/tar2012e.pdf">http://www.toshiba.co.jp/about/ir/en/finance/ar/ar2012/tar2012e.pdf</a>
43-11	N/A	6/4/2012	Letter from Andrew D. Mew, Accounting Branch Chief, U.S. SEC, to Kirkland B. Andrews, Chief Financial Officer, NRG Energy, Inc. (June 4, 2012), <i>available at</i> <a href="http://www.sec.gov/Archives/edgar/data/1013871/000000000012028634/filename1.pdf">http://www.sec.gov/Archives/edgar/data/1013871/000000000012028634/filename1.pdf</a>

	Accession Number	Document Date	Title/Description
43-12	ML12324A021	10/17/2012	Westinghouse Letter re; Purchase by Toshiba Corporation of The Shaw Group Indirect Ownership Interest in Westinghouse Electric Company LLC.
43-13	N/A	10/19/2012	Shaw Group, Inc., Annual Report (Form 10-K) (Oct. 19, 2012), available at <a href="http://www.sec.gov/Archives/edgar/data/914024/000143774912010416/shaw_10k-083112.htm">http://www.sec.gov/Archives/edgar/data/914024/000143774912010416/shaw_10k-083112.htm</a>
43-14	N/A	1/4/2013	Shaw Group, Inc., Current Report (Form 8-K) (Jan. 4, 2013), available at <a href="http://www.sec.gov/Archives/edgar/data/914024/000143774913000169/shaw_8k-010413.htm">http://www.sec.gov/Archives/edgar/data/914024/000143774913000169/shaw_8k-010413.htm</a>
43-15	ML13114A676	3/18/2013	2013/03/18 STP COL -
43-16	ML13114A699	3/18/2013	2013/03/18 STP COL - FW: Rai 01.05-6, 7 submittal
43-17	ML13114A688	3/18/2013	2013/03/18 STP COL - FW: RAI responses
43-18	ML13114A249	3/18/2013	2013/03/18 STP COL - FW:
43-19	ML13114A248	3/18/2013	2013/03/18 STP COL - NINA Telecom Info April 10, 2013
43-20	ML13084A088	3/26/2013	03/20/2013 Summary Of Weekly Conference Call Meeting To Discuss Open Items And Outstanding RAI Responses Relating To Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application.
43-21	ML13114A246	3/28/2013	2013/03/28 STP COL - FW: RAIs
43-22	ML13087A336	3/28/2013	3/27/2013 - Summary Of Weekly Conference Call Meeting To Discuss Open Items And Outstanding RAI Responses Relating To Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application.
43-23	ML13114A242	4/1/2013	2013/04/01 STP COL - FW: Draft Agenda for ACRS meeting 4/24
43-24	ML13114A243	4/1/2013	2013/04/01 STP COL - RE: Draft Agenda for ACRS meeting 4/24
43-25	ML13091A281	4/2/2013	03/20/2013 Summary of Public Meeting of a Presentation on the Spent Fuel Storage Rack Analysis for the Nuclear Innovation North America's South Texas Project Units 3 and 4 Combined License Application.
43-26	ML13114A241	4/2/2013	2013/04/02 STP COL - FW: Section 3.2 Markup
43-27	ML13091A296	4/2/2013	South Texas Project Units 3&4 Presentation to NRC on March 20, 2013 Spent Fuel Storage Rack.
43-28	ML13092A083	4/3/2013	04/17/2013 - Meeting Notice To Discuss Open Items And Outstanding RAI Responses Relating To Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application
43-29	ML13114A240	4/3/2013	2013/04/03 STP COL - FW: Flex Integrated Plan

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
43-30	ML13114A238	4/8/2013	2013/04/08 STP COL - FW: Draft of Slides for ACRS Meeting on April 24
43-31	ML13109A043	4/10/2013	South Texas Project, Units 3 and 4, Response to Request for Additional Information 01.05-3, Revision 2.
43-32	ML13101A077	4/11/2013	04/10/2013 Summary of Weekly Conference Call Meeting to Discuss Open Items And Outstanding RAI Responses Relating to Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application.
43-33	ML13114A237	4/11/2013	2013/04/11 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-130026
43-34	ML13114A234	4/15/2013	2013/04/15 STP COL - STP - Apr 17 OI Call

**Attachment 2**                      **South Texas Project COL Hearing File and Mandatory Disclosures**  
**List of Documents Withheld – Proprietary Information, Security-Related Information, and Safeguards Information**  
**Update 43 – May 1, 2013**

Pursuant to the Revised Scheduling Order issued by the Licensing Board on October 3, 2012, 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.

	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Pages</b>
43-1	N/A	NINA	Approved Meeting Minutes of Board of Managers of NINA	04/05/2011		N/A	Proprietary	
43-2	N/A	NINA	Approved Meeting Minutes of Board of Managers of NINA	04/12/2012		N/A	Proprietary	

**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, Rocky Foster, 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 NRC's 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 April 15, 2013.

3. In accordance with the licensing 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 correct to the best of my knowledge, information, and belief.

**Executed in Accord with 10 CFR § 2.304(d)**

Rocky Foster  
Project Manager, Licensing Branch 3  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
Mail Stop T6-D38  
Washington, DC 20555-0001  
(301) 415-5787  
Rocky.Foster@nrc.gov

Executed in Rockville, MD,  
this 1st day of May 2013

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 the NRC Staff letter dated May 1, 2013, providing notice of the availability of the forty-third update to the hearing file and mandatory disclosures made pursuant to 10 C.F.R. §§ 2.336 and 2.1203, with attachments, has been filed through the E-Filing system this 1st day of May 2013.

**/signed (electronically) by/**

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