

## PMSTPCOL NPEmails

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**From:** Joseph, Stacy  
**Sent:** Monday, June 20, 2011 1:02 PM  
**To:** 'ccchappell@stpegs.com'; 'Scheide, Richard'  
**Cc:** STPCOL  
**Subject:** Ch. 1 General Financials DRAFT RAI  
**Attachments:** RAI 5856.doc

Coley and Dick,

Attached is DRAFT RAI 5856 related to General Financials for Chapter 1. Understanding that you are planning an end of June submittal, the staff member wanted to make sure to get this information now to you to possibly address in that submittal. Please let me know this week if you need a telecon to discuss.

Thanks,  
Stacy

Stacy Joseph  
Project Manager  
U. S. Nuclear Regulatory Commission  
Office of New Reactors  
Division of New Reactor Licensing

(Office) 301-415-2849  
Mail Stop T6-D04  
Washington DC 20555-0001

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**Subject:** Ch. 1 General Financials DRAFT RAI  
**Sent Date:** 6/20/2011 1:02:13 PM  
**Received Date:** 6/20/2011 1:02:13 PM  
**From:** Joseph, Stacy

**Created By:** Stacy.Joseph@nrc.gov

**Recipients:**  
"STPCOL" <STP.COL@nrc.gov>  
Tracking Status: None  
"ccchappell@stpegs.com" <ccchappell@stpegs.com>  
Tracking Status: None  
"Scheide, Richard" <rhscheide@STPEGS.COM>  
Tracking Status: None

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RAI 5856.doc	31738	

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Request for Additional Information No. 5856 Revision 3

South Texas Project Units 3 and 4  
South Texas Project Nuclear Operating Co  
Docket No. 52-012 and 52-013  
SRP Section: 01 - Introduction and Interfaces  
Application Section: Financial and Administrative

QUESTIONS for Financial, Policy, & Rulemaking Branch (NRR/DPR/PFPB)

01-\*\*\*

The request for additional information (RAI) is for Part 1, General and Financial Information, Rev. 5 of the combined license application (COLA) for the South Texas Project, Units 3 and 4.

Section 103d. of the Atomic Energy Act prohibits the NRC from issuing a license to:  
“an alien or any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation or a foreign government.”

Section 50.38 of 10 CFR is the regulatory provision that implements this statutory prohibition.

Further, per the NRC Standard Review Plan on Foreign Ownership, Control, or Domination, one of the factors that the staff may review regarding foreign ownership, control or domination is whether the applicant is indebted to foreign interests or has contractual or other agreements with foreign entities that may affect control of the applicant.

In its May 5, 2011 10-Q filing with the Securities and Exchange Commission (page 12), NRG stated that it planned to reduce the scope of development at STP 3 & 4 and that it was withdrawing from further financial participation in NINA. NRG further stated:

Due to the events described above, NRG evaluated its investment in NINA for impairment. As part of this process, NRG evaluated the contractual rights and economic interests held by the various stakeholders in NINA and concluded...NRG ceased to have a controlling financial interest in NINA at the end of the first quarter of 2011.

Provide information, in sufficient detail for the staff to make a determination, including, but not limited to, percentages and amounts of financing, as to who has the controlling financial interest in NINA and how this impacts foreign ownership, control and domination of the applicant.