

December 1, 2011

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](http://www.nrc.gov), using the ADAMS "Find" function. Additionally, within a few days of this notification, the Staff will have created a separate folder in the agency's Electronic Hearing Docket associated with this proceeding, entitled "South Texas Project Hearing File." Also attached, as required by § 2.336(c), is the Affidavit of Rocky Foster.

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 Rocky Foster

**Attachment 1**

**South Texas Project COL Hearing File and Mandatory Disclosures  
Hearing File Index  
Update 26 – December 1, 2011**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
26-1	ML11326A094	10/24/2011	2011/10/24 STP COL - FW: RWB Classification
26-2	ML11325A283	10/25/2011	2011/10/25 STP COL - NINA/STP Open Items Telecom Agenda for 10/26/2011
26-3	ML11326A027	10/26/2011	2011/10/26 STP COL - Nov 2 Agenda
26-4	ML11326A028	10/26/2011	2011/10/26 STP COL - RE: RWB Classification
26-5	ML11326A093	10/26/2011	2011/10/26 STP COL - STP - RWB Code Version
26-6	ML112980192	10/27/2011	10/19/2011-Summary of Weekly Conference Call Meeting To Discuss Open Items and Outstanding RAI Responses Relating To NINA's South Texas Project, Units 3 and 4 COL Application.
26-7	ML11325A289	10/27/2011	2011/10/27 STP COL - Status of Chapter 2
26-8	ML112980197	10/27/2011	Enclosure 1 - NINA Open Items Telephone Communication Attendees List For October 19, 2011, Conference Call Meeting.
26-9	ML11307A239	10/27/2011	South Texas Project, Units 3 and 4, Request for Exemption from the Requirements of 10 CFR 70.22(b), 70.32(c), 74.31, 74.41, and 74.51.
26-10	ML11326A026	10/31/2011	2011/10/31 STP COL - FW: ACSTIC2 Damping Verification Approach
26-11	ML11311A333	10/31/2011	2011/10/31 STP COL - FW: South Texas Nuclear Operating Company, permit number SWG-2007-00786 (UNCLASSIFIED)
26-12	ML11326A024	10/31/2011	2011/10/31 STP COL - RE: Chapter 3
26-13	ML11325A400	10/31/2011	2011/10/31 STP COL - RE: STP - Chapter 3.9.3 Phase 4 SER
26-14	ML11326A025	10/31/2011	2011/10/31 STP COL - STP - November 2, 2011 Telephone Conference
26-15	ML11325A281	10/31/2011	2011/10/31 STP COL -
26-16	ML11325A280	11/01/2011	2011/11/01 STP COL - NINA Open Items Telecom Agenda for November 2, 2011
26-17	ML11326A020	11/01/2011	2011/11/01 STP COL - RE: STP - Nov 2, 2011 Telecon Input
26-18	ML11326A021	11/01/2011	2011/11/01 STP COL - STP - Nov 2, 2011 Telecon Input

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
26-19	ML11325A094	11/02/2011	2011/11/02 STP COL - FW: COM 17.4-1, FSAR Section 17.4S
26-20	ML11326A019	11/02/2011	2011/11/02 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-110134
26-21	ML11326A018	11/03/2011	2011/11/03 STP COL - FW: FMCRD
26-22	ML11326A005	11/04/2011	2011/11/04 STP COL - STP - Misc. Confirmations
26-23	ML11326A010	11/04/2011	2011/11/04 STP COL - VRR Access - S.Williams
26-24	ML113000440	11/07/2011	10/26/2011-Summary of Weekly Conference Call Meeting To Discuss Open Items and Outstanding RAI Responses Relating To NINA's South Texas Project, Units 3 and 4 COL Application.
26-25	ML11326A004	11/07/2011	2011/11/07 STP COL - FW: Section 3.7 & 3.8 Actions - Updated November 3, 2011
26-26	ML11325A278	11/07/2011	2011/11/07 STP COL - FW: SRM to SECY 90-16 which describes ALWR Certification Issues and the ALWR Commission Goals
26-27	ML113070449	11/07/2011	Audit Plan of NINA's COL Application, Chapter 3.8.4, Regulatory Audit of Radwaste Building Classification Analysis.
26-28	ML113000447	11/07/2011	Enclosure 1 - NINA Open Items Telephone Communication Attendee List For October 26, 2011.
26-29	ML11325A277	11/08/2011	2011/11/08 STP COL - NINA Open Items Telecom Agenda for November 9, 2011
26-30	ML113060574	11/08/2011	Request for Withholding Information From Public Disclosure - NINA's Meeting Presentation.
26-31	ML11318A014	11/08/2011	South Texas Project - Response to Request for Additional Information re Letter No. 387 related to COLA.
26-32	ML11325A397	11/09/2011	2011/11/09 STP COL - ACRS Action Item List for PROP Review
26-33	ML11325A093	11/09/2011	2011/11/09 STP COL - FW: [WARNING: MESSAGE ENCRYPTED](PROPRIETARY REVIEW) for attached DRAP Audit Report
26-34	ML113112107	11/09/2011	Request for Additional Information re: South Texas Project Nuclear Operating Company topical report (TR) WCAP-17116-P, Revision 0, Supplement 5 - Application to the Advanced Boiling Water Reactor (TAC No. RG0007).

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
26-35	ML11318A313	11/09/2011	South Texas Project, Units 3 and 4, Response to Request for Additional Information No. 387, RAI 01-23.
26-36	ML11325A434	11/10/2011	2011/11/10 STP COL - FW: NINA Open Items Telecom Agenda for November 2, 2011
26-37	ML11326A003	11/10/2011	2011/11/10 STP COL - November 9, 2011 Telephone Conference Summary
26-38	ML11325A395	11/10/2011	2011/11/10 STP COL - RE: ACRS Action Item List for PROP Review
26-39	ML11325A403	11/10/2011	2011/11/10 STP COL - Request For Additional Information Re: STPNOC Topical Report WCAP-17116-P Revision 0, Supplement 5 - Application To The Advanced Boiling Water Reactor (RG0007)
26-40	ML11318A314	11/10/2011	South Texas Project, Units 3 and 4, Response to Request for Additional Information No. 295 re External Event Analysis & Shutdown Risk Analysis.
26-41	ML113130518	11/14/2011	10/11/2011-Summary of a Closed Meeting With NINA on Foreign Ownership and General Financial.
26-42	ML11326A002	11/14/2011	2011/11/14 STP COL - STP - November 16, 2011 Telephone Conference Agenda
26-43	ML11318A231	11/14/2011	Notification of NINA Foreign Control RAI Responses.
26-44	ML11325A150	11/14/2011	Response to RAI 03.07.01-29, Supplement 1, Page 101 through 200 of 392.
26-45	ML11325A152	11/14/2011	Response to RAI 03.07.01-29, Supplement 1, Page 201 through 300 of 392.
26-46	ML11325A153	11/14/2011	Response to RAI 03.07.01-29, Supplement 1, Page 301 through 392 of 392.
26-47	ML11325A142	11/14/2011	Response to RAI 03.07.01-29, Supplement 1, Pages 1 through 100 of 392.
26-48	ML11322A106	11/14/2011	South Texas Project, Units 3 and 4 - Supplemental Response to Request for Additional Information.
26-49	ML11325A149	11/14/2011	South Texas Project, Units 3 and 4 - Supplemental Response to Request for Additional Information.
26-50	ML11322A157	11/14/2011	South Texas Project, Units 3 and 4, Response to Requests for Additional Information and Submittal of Technical Report.
26-51	ML11326A001	11/15/2011	2011/11/15 STP COL - FW: STP - November 16, 2011 Telephone Conference Agenda
26-52	ML11325A274	11/15/2011	2011/11/15 STP COL - NINA Open Item Telecom Agenda for November 16, 2011
26-53	ML11325A401	11/15/2011	2011/11/15 STP COL - RE: STP - November 16, 2011 Telephone Conference Agenda

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
26-54	ML113250040	11/15/2011	South Texas Project, Units 3 & 4, Response to Request for Additional Information (RAI) Question 03.08.01-11 Included in the RAI Letter Number 385 Related to COLA Part 22, Tier 2, Section 3.8.
26-55	ML113112081	11/16/2011	11/02/2011 Summary of Weekly Conference Call Meeting To Discuss Open Items and Outstanding RAI Responses Relating To NINA's South Texas Project, Units 3 and 4 COL Application.
26-56	ML113140261	11/16/2011	11/09/2011-Summary of Weekly Conference Call Meeting to Discuss Open Items and Outstanding RAI Responses Relating to NINA's South Texas Project, Units 3 and 4 COL Application.
26-57	ML11325A444	11/16/2011	2011/11/16 STP COL - FW: FMCRD
26-58	ML11326A000	11/16/2011	2011/11/16 STP COL - FW: Transmittal of Letter U7-C-NINA-NRC-110142
26-59	ML11325A087	11/16/2011	2011/11/16 STP COL - RE: STP - Ch 3.8/3.7 DVD
26-60	ML11325A442	11/16/2011	2011/11/16 STP COL - STP - Ch 3.8/3.7 DVD
26-61	ML113112088	11/16/2011	Enclosure 1 - 11/02/2011-NINA Open Items Telephone Communication Attendees List.
26-62	ML113140270	11/16/2011	Enclosure 1 - NINA Open Items Telephone Communication Attendees List for 11/09/2011.
26-63	ML11325A090	11/17/2011	2011/11/17 STP COL - COM 17.4-1, FSAR Section 17.4S
26-64	ML11325A285	11/17/2011	2011/11/17 STP COL - DRAFT RAI - Section 2.3
26-65	ML11325A091	11/17/2011	2011/11/17 STP COL - Final Chapter 12 Editorial Revisions Needed for Part 2 of STP COLA
26-66	ML11325A286	11/17/2011	2011/11/17 STP COL - FW: ACRS on 11/30
26-67	ML11325A441	11/17/2011	2011/11/17 STP COL - November 16, 2011 Telephone Conference Summary
26-68	ML11325A443	11/17/2011	2011/11/17 STP COL - RE: STP - Ch 3.8/3.7 DVD
26-69	ML11325A088	11/18/2011	2011/11/18 STP COL - FW: Final Chapter 12 Editorial Revisions Needed for Part 2 of STP COLA

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
26-70	ML11325A402	11/18/2011	2011/11/18 STP COL - Request For Additional Information Re: STPNOC Topical Report (TR) WCAP-17116-P Revision 0, Supplement 5 - Application To The Advanced Boiling Water Reactor (TAC No. RG0007)
26-71	ML11325A057	11/30/2011	WCAP-17331-NP, Revision 2, "Structural Analysis Report for STP Units 3 & 4 Spent Fuel Storage Rack Baseline Design."

**Attachment 2 South Texas Project COL Hearing File and Mandatory Disclosures  
List of Documents Withheld – Proprietary Information, Security-Related Information, and Safeguards Information  
Update 26 – December 1, 2011**

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.

	<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>
26-1	ML113112105	Govan T, NRC/NRO/DNR L/BWR	Request For Additional Information Re: STPNOC Topical Report WCAP-17116- P Revision 0, Supplement 5 - Application To The Advanced Boiling Water Reactor (TAC No. RG0007).	11/09/2011	Request for Additional Information (RA)	Nuclear Innovation North America, LLC	Proprietary Information	1
26-2	ML11322A158	Nuclear Innovation North America, LLC	South Texas Project, Units 3 and 4, Attachments 20 and 21 to U7-C-NINA- NRC-110139, Response to Requests for Additional Information and Submittal of Technical Report.	11/14/2011	Report, Technical	NRC/NRO	Proprietary Information	12

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
26-3	ML11325A060	Westinghouse Electric Co, LLC	WCAP-17331-P, Revision 2, "Structural Analysis Report for STP Units 3 & 4 Spent Fuel Storage Rack Baseline Design."	11/30/2011	Report, Technical	NRC/NRO	Proprietary Information	115



**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 ROCKY FOSTER CONCERNING  
MANDATORY DISCLOSURE REQUIREMENTS

I, Rocky Foster, do hereby state as follows:

1. I am employed as a Project Manager in the BWR Projects Branch 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 November 15, 2011.

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)**

Rocky Foster  
Project Manager, BWR Projects Branch  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
Mail Stop T6-D38M  
Washington, DC 20555-0001  
(301) 415-5787  
Rocky.Foster@nrc.gov

Executed in Rockville, MD  
this 30th day of November 2011

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 December 1, 2011, providing notice of the availability of the twenty-sixth update to the hearing file and mandatory disclosures made pursuant to 10 C.F.R. § 2.336, with attachments, together with the affidavit of Rocky Foster, have been served upon the following persons by Electronic Information Exchange this 1st day of December 2011:

Administrative Judge Michael M. Gibson Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 (E-mail: Michael.Gibson@nrc.gov)	Office of Commission Appellate Adjudication Mail Stop O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail:OCAAmail@nrc.gov
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Administrative Judge Gary S. Arnold Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 (E-mail: Gary.Arnold@nrc.gov)	Office of the Secretary ATTN: Docketing and Service Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: HEARINGDOCKET@nrc.gov
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Administrative Judge Randall J. Charbeneau Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 (E-mail: Randall.Charbeneau@nrc.gov)	Robert V. Eye, Esq. Brett A. Jarmer, Esq. Counsel for the Intervenor Kauffman & Eye Suite 202 112 SW 6th Ave. Topeka KS 66603 bob@kauffmaneye.com brett@kauffmaneye.com
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