

September 4, 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 NRC staff herein provides to the licensing board and the parties an index containing information required to be disclosed by the NRC staff.¹ 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 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 David Misenhimer, P.E.

For this update, the Staff has not identified any documents that need to be 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/
Michael A. Spencer
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
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Enclosures: Attachment 1: Hearing File and Mandatory Disclosures Index
Attachment 2: Affidavit of David Misenhimer, P.E.

¹ This filing is being made in accordance with recent amendments to the 10 C.F.R. Part 2 regulations that are effective today. Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562 (Aug. 3, 2012) (final rule).

Attachment 1

**South Texas Project COL Hearing File and Mandatory Disclosures Index
Update 35 – September 4, 2012**

	Accession Number	Document Date	Title/Description
35-1	ML12229A424	07/17/2012	2012/07/17 STP COL - STP - July 23, 2012 Audit
35-2	ML12229A423	07/19/2012	2012/07/19 STP COL - RE: STP - July 23, 2012 Audit
35-3	ML12198A465	07/19/2012	7/11/2012 - 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 & 4 Combined License Application.
35-4	ML12229A422	07/20/2012	2012/07/20 STP COL - STP - July 23, 2012 Audit
35-5	ML12199A167	07/20/2012	7/23/2012 - Audit Of Nuclear Innovation North America, LLC, Combined License Application Hurricane Wind Analyses.
35-6	ML12229A421	07/21/2012	2012/07/21 STP COL - STP - July 23, 2012 Audit Items
35-7	ML12206A248	07/24/2012	8/8/2012 Notice of Forthcoming Meeting to Discuss Outstanding Requests for Additional Information Responses Relating to Nuclear Innovation North America's South Texas Project Units 3 And 4 Combined License Application.
35-8	ML12207A237	07/25/2012	8/8/2012 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.
35-9	ML12165A594	07/26/2012	South Texas Project, Units 3 And 4 Combined License Application Radwaste And Turbine Building Review.
35-10	ML12212A120	07/30/2012	Request For Withholding Information From Public Disclosure For South Texas Projects, Units 3 And 4, Letter Dated June 7, 2012.
35-11	ML12229A420	07/31/2012	2012/07/31 STP COL - FW: Chapter 3 Open Items Conference Call - PUBLIC
35-12	ML12219A325	07/31/2012	South Texas Project, Units 3 and 4, Implementation of Emergency Preparedness Rule Changes.
35-13	ML12214A282	08/01/2012	Audit Plan For Nuclear Innovation North America, LLC, Combined License Application Chapter 20, Regulatory Audit Of Fukushima Recommendation 2.1, Central And Eastern United States Seismic Source Characterization For Nuclear Facilities.

	Accession Number	Document Date	Title/Description
35-14	ML12212A096	08/02/2012	8/15/2012 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.
35-15	ML12229A419	08/06/2012	2012/08/06 STP COL - New Draft Unit 4 FIV RAI
35-16	ML12229A412	08/07/2012	2012/08/07 STP COL - FW: Downstream Fuel Effects Tests
35-17	ML12229A346	08/09/2012	2012/08/09 STP COL - FW: Could you please inform STP that there is a new revision to document NEI 07-02A referenced in STP FSAR Section 17.6S....
35-18	ML12222A360	08/09/2012	Request For Additional Information Letter No. 418 Related to SRP Section 03.08.04 for The Nuclear Innovation North America, LLC, Combined License Application.
35-19	ML12229A345	08/13/2012	2012/08/13 STP COL - FW: Fukushima Order DRAFT ISGs and NEI guidance
35-20	ML12229A344	08/13/2012	2012/08/13 STP COL - RE: 8/8/12 Telecom Attendees
35-21	ML12229A341	08/13/2012	2012/08/13 STP COL - STP - RWB/TB Rai
35-22	ML12229A337	08/14/2012	2012/08/14 STP COL - STP - 3H.11 Enhancement (PL 273)
35-23	ML12229A339	08/14/2012	2012/08/14 STP COL - STP - RAI 6404/6405
35-24	ML12222A140	08/14/2012	8/15/2012 - Rescheduled Notice of Forthcoming 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.
35-25	ML12229A336	08/15/2012	2012/08/15 STP COL - RE: Call Participants
35-26	ML12228A566	08/15/2012	8/29/2012 - Notice Of Forthcoming Meeting to Discuss Open Items and Outstanding RAI Responses Relating to Nuclear Innovation North America� South Texas Project Units 3 And 4 Combined License Application.
35-27	ML12165A136	08/15/2012	G20120391/LTR-12-0257/EDATS OEDO-2012-0326 - Mark A. McBurnett Ltr re Request for Commission Consideration of Policy Issue Regarding Financial Qualifications for New Merchant Plants.
35-28	ML12229A335	08/16/2012	2012/08/16 STP COL - FW: STP - RAI 6404/6405
35-29	ML12233A361	08/20/2012	2012/08/20 STP COL - FW: Chapter 3 Open Items Conference Call (Time Change)
35-30	ML12233A364	08/20/2012	2012/08/20 STP COL - FW: STP - August 15 Weekly OI call

	Accession Number	Document Date	Title/Description
35-31	ML12233A359	08/20/2012	2012/08/20 STP COL - FW: STP - August 8, 2012 OI Call
35-32	ML12234A513	08/21/2012	2012/08/21 STP COL - FW: Chapter 3 Open Items Conference Call - PUBLIC
35-33	ML12236A013	08/22/2012	2012/08/22 STP COL - FW: Summary of results for PLI 271, Evaluation of RB and CB Panels for Hurricane Generated Auto Missile
35-34	ML12236A012	08/22/2012	2012/08/22 STP COL - FW: Update regarding 3.9.2 -RE: STP - August 15 Weekly OI call

Attachment 2

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 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 August 15, 2012.

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 complete to the best of my knowledge, information, and belief.

Executed in Accord with 10 CFR § 2.304(d)

David Misenhimer, P.E.
Project Manager, Licensing Branch 3
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T6-D38
Washington, DC 20555-0001
(301) 415-6590
David.Misenhimer@nrc.gov

Executed in Rockville, MD,
this 23rd day of August 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 the NRC Staff letter dated September 4, 2012, providing notice of the availability of the thirty-fifth 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 4th day of September 2012.

/signed (electronically) by/
Michael A. Spencer
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