

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 the Initial Scheduling Order of October 20, 2009, the NRC staff is reporting on its proposed schedule for issuing its safety and environmental documents and the projected dates for issuance of ACRS reports on the application. There has been no change since the last report, which was submitted on July 31, 2012. Further, pursuant to the Order (Monthly Status Updates Regarding FOCD Review) of July 18, 2012, the NRC staff reports that, while it is proceeding with its review of foreign ownership, control, or domination (FOCD) issues, it currently does not have a best estimate projected decision date for its review.

In addition, the NRC staff notes that there is a proposed merger between NRG Energy, Inc., one of the owners of Nuclear Innovation North America LLC, and GenOn Energy, Inc. STP Nuclear Operating Company Request for Threshold Determination Under 10 CFR 50.80, (Aug. 1, 2012) (ADAMS Accession No. ML12228A380) (submitted on the dockets for the *existing* South Texas Project (STP), Units 1 and 2). STP Nuclear Operating Company has submitted a letter requesting a threshold determination from the NRC that the merger does not involve any direct or indirect transfer of control of the existing units that would require approval under 10 C.F.R. § 50.80. *Id.* at 2. According to this letter, "NRG Energy expects to close the merger by the first quarter of 2013." *Id.* If and when the merger is completed, the STP Units 3 and 4 application would need to be updated to reflect the merger, and the NRC staff would review any changes.

Respectfully submitted,

/signed (electronically) by/
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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, reporting on the proposed schedule for completing the NRC staff's review and reaching a determination on FOCD issues, has been filed through the E-Filing system this 4th day of September 2012.

/signed (electronically) by/
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