

October 1, 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. 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
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Enclosures: Attachment 1: Hearing File and Mandatory Disclosures Index
Attachment 2: Affidavit of David Misenhimer, P.E.

Attachment 1**South Texas Project COL Hearing File and Mandatory Disclosures Index
Update 36 – October 1, 2012**

	Accession Number	Document Date	Title/Description
36-1	ML12201A848	05/08/2012	Enclosure 6 - Spent Fuel Rack BNL RAI Status Table 05-08-2012.
36-2	ML12201A805	06/11/2012	Enclosure 1 - Spent Fuel Racks Audit Summary Report- Jan 17-20 2012 - Audit Report.
36-3	ML12192A359	08/16/2012	Chapter 9 1 2 Spent Fuel Racks Audit Transmittal Letter.
36-4	ML12227A766	08/16/2012	Enclosure 2 - Cover Letter: Audit Plan For Nuclear Innovation North America, LLC, Combined License Application Chapter 9.1.2, Regulatory Audit Of Spent And New Fuel Storage.
36-5	ML12227A767	08/16/2012	Enclosure 3 - Cover Letter: Request For Additional Information Letter No. 415 Related To SRP Section 9.01.02 For NINA's COL Application.
36-6	ML12201A845	08/16/2012	Enclosure 5 - Spent Fuel Rack NRC Audit Action Item List 01202012.
36-7	ML12201A830	08/17/2012	Enclosure 4 List of Attendees.
36-8	ML12227A539	08/17/2012	Letter re: Regulatory Audit Summary For Nuclear Innovation North America, LLC, COL Application of General Financials Relating To Engineering, Procurement and Construction.
36-9	ML12265A252	08/20/2012	2012/08/20 STP COL - Seismic Follow-up Information
36-10	ML12230A061	08/20/2012	Summary Of Conference Call Meeting To Discuss Outstanding Requests For Additional Information Responses Relating To Nuclear Innovation North America? South Texas Project Units 3 And 4 Combined License Application On August 8, 2012.
36-11	ML12265A246	08/24/2012	2012/08/24 STP COL - FW: Section 3.7 & 3.8 Actions - Updated August 15, 2012
36-12	ML12229A301	08/27/2012	Regulatory Audit Summary Of South Texas Project, Units 3 And 4 Combined License Application - July 23 & #65533;24, 2012 Structural Analyses.
36-13	ML12234A690	08/28/2012	08/08/2012 - Summary of Conference Call Meeting to Discuss Open Items and Outstanding RAI Responses Relating To NINA's South Texas Project, Units 3 and 4 COL Application (COLA).

	Accession Number	Document Date	Title/Description
36-14	ML12234A723	08/28/2012	08/15/2012 - 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.
36-15	ML12249A035	08/28/2012	South Texas Project, Units 3 and 4, Supplemental Response to Request for Additional Information.
36-16	ML12242A204	08/29/2012	9/12/2012 - 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.
36-17	ML12249A036	08/29/2012	South Texas Project, Units 3 and 4, Supplemental Response to Request for Additional Information Related to the Combined License Application Part 2, Tier 2, Section 3H.11.
36-18	ML12265A242	08/30/2012	2012/08/30 STP COL - RE: STP - RWB/TB/OGS Classification
36-19	ML12265A243	08/30/2012	2012/08/30 STP COL - STP - RWB/TB/OGS Classification
36-20	ML12265A241	09/04/2012	2012/09/04 STP COL - FW: Chapter 3 Open Items Conference Call
36-21	ML12265A238	09/04/2012	2012/09/04 STP COL - RE: Reports for ACRS
36-22	ML12255A037	09/05/2012	South Texas Project, Units 3 and 4, Supplemental Information in Support of Request for Additional Information.
36-23	ML12265A237	09/06/2012	2012/09/06 STP COL - FW: STP Reading Room Access
36-24	ML12265A168	09/07/2012	2012/09/07 STP COL - Clac Titles
36-25	ML12265A167	09/10/2012	2012/09/10 STP COL - RE: Clac Titles
36-26	ML12265A166	09/11/2012	2012/09/11 STP COL - FW: Chapter 3 Open Items Conference Call - PUBLIC
36-27	ML12256A994	09/12/2012	09/26/2012 - Notice Of Meeting with South Texas Project Units 3 And 4 To Discuss Outstanding Requests For Additional Information Responses Relating To Nuclear Innovation North America�.
36-28	ML12265A162	09/12/2012	2012/09/12 STP COL - RE: September 12, 2012 OI Call Attendees
36-29	ML12265A164	09/12/2012	2012/09/12 STP COL - September 12, 2012 OI Call Attendees
36-30	ML12265A165	09/12/2012	2012/09/12 STP COL - STP - ADAMS for PWROG ACRS on GSI 191

	Accession Number	Document Date	Title/Description
36-31	ML12250A856	09/13/2012	08/29/2012 Summary of Weekly Conference Call Meeting to Discuss Open Items and Outstanding RAI Responses Relating To Nuclear Innovation North America 65533; South Texas Project, Units 3 And 4 Combined License Application On August 29, 2012.
36-32	ML12265A161	09/13/2012	2012/09/13 STP COL - STP - 10/2/12 ACRS Agenda
36-33	ML12265A157	09/13/2012	2012/09/13 STP COL - STP - Long Term Cooling Clarifications
36-34	ML12265A158	09/13/2012	2012/09/13 STP COL - STP OI Telecom for 9/26/2012 Call-In Information
36-35	ML12257A114	09/13/2012	9/12/2012-Summary of Weekly Conference Call Meeting to Discuss Open Items and Outstanding Requests for Additional Information Responses Relating to Nuclear Innovation North Americas South Texas Project Units 3 And 4 Combined License Application.
36-36	ML12265A156	09/14/2012	2012/09/14 STP COL - STP - Long Term Cooling

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 September 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 correct 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 27th day of September 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 October 1, 2012, providing notice of the availability of the thirty-sixth 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 October 2012.

/signed (electronically) by/

Michael A. Spencer
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