

July 1, 2013

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 Revised Scheduling Order of October 3, 2012, 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.¹ 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 Rocky Foster.

Further, in accordance with the Revised 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 and Mandatory Disclosures Index
Attachment 2: List of Documents Withheld
Attachment 3: Affidavit of Rocky Foster

¹ One document (item 45-62 in Attachment 1) has not yet been made an official agency record, but we anticipate that this will occur, and the document will be made publicly available, by tomorrow.

Attachment 1

**South Texas Project COL Hearing File and Mandatory Disclosures Index
Update 45 – July 1, 2013**

	Accession Number	Document Date	Title/Description
45-1	ML993140200	09/20/1999	SECY-99-229, Monitoring Of Foreign Ownership Of Reactor Licensees – Response To Staff Requirements Memorandum (February 17, 1999) Regarding SECY-98-246
45-2	ML993130257	10/28/1999	Staff Requirements -SECY-99-229 -Monitoring of Foreign Ownership of Reactor Licensees -Response to Staff Requirements Memorandum (February 17, 1999) Regarding SECY-98-246
45-3	ML993550412	11/24/1999	NRC, Safety Evaluation by the Office of Nuclear Reactor Regulation, Proposed Transfer of Clinton Power Station Operating License from Ill. Power Co. to Amergen Energy Company, LLC, Docket No. 50-461
45-4	N/A	2008	Ramos, Michael J., Practitioner's Guide to GAAS 2008 (John Wiley & Sons, Inc. 2008)
45-5	N/A	2009	Barry Epstein, et al., Wiley GAAP 2010 (John Wiley & Sons, Inc. 2009)
45-6	ML093010003	10/30/2009	NRC, Revised Safety Evaluation by the Office of Nuclear Reactor Regulation, Direct and Indirect Transfers of Control of Renewed Facility Operating Licenses Due to the Proposed Corporate Restructuring Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Calvert Cliffs Independent Spent Fuel Storage Installation, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2; and R.E. Ginna Nuclear Power Plant, Docket Nos. 50-317, 50-318, 72-8, 50-220, 50-410, and 50-244
45-7	N/A	04/19/2011	Press Release, NRG Energy, Inc. Provides Greater Clarity on the South Texas Nuclear Development Project (STP 3&4) (available at http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9OTAwMzB8Q2hpbGRJRDRD0tMXxUeXBIPtM=&t=1)
45-8	ML13115A806	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Attachment 01 - Cross Reference
45-9	ML13115A807	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Attachment 02 - Implementing Procedures
45-10	ML13115A808	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Attachment 03 - Glossary

	Accession Number	Document Date	Title/Description
45-11	ML13115A809	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Attachment 04 - List Of Acronyms
45-12	ML13115A790	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section A - Introduction
45-13	ML13115A791	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section B - Assignment of Responsibility
45-14	ML13115A793	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section C - Organizational Control of Emergencies
45-15	ML13115A794	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section D - Emergency Classification System
45-16	ML13115A795	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section E - Notification Methods and Procedures
45-17	ML13115A796	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section F - Emergency Actions and Measures
45-18	ML13115A797	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section G - Emergency Response Facilities
45-19	ML13115A798	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section H - Accident Assessment
45-20	ML13115A799	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section I - Protective Response
45-21	ML13115A800	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section J - Radiological Exposure Control
45-22	ML13115A801	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section K - Media Relations
45-23	ML13115A802	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section L - Recovery and Re-entry
45-24	ML13115A803	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section M - Emergency Preparedness Training

	Accession Number	Document Date	Title/Description
45-25	ML13115A804	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section N - Drills and Exercises
45-26	ML13115A805	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 01 - Emergency Plan - Section O - Emergency Preparedness
45-27	ML13115A810	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 02 - Emergency Preparedness Milestone and Implementation Schedule
45-28	ML13115A811	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 03 - Emergency Action Levels
45-29	ML13115A812	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 04 - Evacuation Time Estimates
45-30	ML13115A814	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 05 - Matagorda County Emergency Management Basic Plan - Section 05.01 - Matagorda County Annex W Fixed Nuclear Facility Response
45-31	ML13115A813	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 05 - Matagorda County Emergency Management Basic Plan
45-32	ML13115A816	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 06 - State Plan - Section 06.01 - Annex D Radiological Emergency Management
45-33	ML13115A817	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 06 - State Plan - Section 06.02 - Annex D Tab 1 Chapter 2 Fixed Nuclear Facility Accident Response South Texas Project
45-34	ML13115A818	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 06 - State Plan - Section 06.03 - Evaluation Criteria Cross Reference Index to NUREG 0654
45-35	ML13115A819	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 07 - Letters of Agreement - Part A - Pages 1-26
45-36	ML13115A820	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 07 - Letters of Agreement - Part B - Pages 27-53
45-37	ML13115A821	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Chapter 08 - State and County EAL Review

	Accession Number	Document Date	Title/Description
45-38	ML13115A822	04/17/2013	South Texas Project Units 3 & 4 COLA (Emergency Plan), Rev. 9 - Table of Contents
45-39	ML13115A825	04/17/2013	South Texas Project Units 3 & 4 COLA (Site Redress Plan), Rev. 9 - Chapter 01 - Site Redress Plan
45-40	ML13115A826	04/17/2013	South Texas Project Units 3 & 4 COLA (Site Redress Plan), Rev. 9 - Table of Contents
45-41	ML13149A034	04/30/2013	WCAP-17256-NP, Rev. 5, "STP, Unit 3, ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program."
45-42	ML13149A033	05/07/2013	South Texas Project, Units 3 & 4, Comprehensive Vibration Assessment Program (Unit 3).
45-43	ML13155A274	05/14/2013	South Texas Project, Units 3 & 4 - Accelerated Date For Submittal of Topical Reports for the Spent Fuel Racks.
45-44	ML13170A191	05/21/2013	2013/05/21 STP COL - STP - Chapter 3 ACRS Date
45-45	ML13157A020	05/29/2013	South Texas Project, Units 3 & 4, Combined License Application Foreign Ownership, Control or Domination Review.
45-46	ML13170A185	05/31/2013	2013/05/31 STP COL - STP - ACRS Draft Agenda
45-47	ML13170A180	06/03/2013	2013/06/03 STP COL - STP - July 9, 2013 ACRS Start Time
45-48	ML13155A350	06/04/2013	06/19/2013 - Meeting Notice 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.
45-49	ML13170A069	06/04/2013	2013/06/04 STP COL - STP - July 9, 2013 ACRS Start time
45-50	ML13141A607	06/04/2013	Environmental Project Manager Change for the Combined License Application Review For South Texas Projects, Units 3 and 4.
45-51	ML13150A186	06/05/2013	5/29/2013 - 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 And 4 Combined License Application.
45-52	ML13157A138	06/05/2013	Letter - South Texas Project Units 3 and 4 Combined License Application - Safety Evaluation With No Open Items For Chapter 3.7, "Seismic Design" And Chapter 3.8, "Seismic Category I Structures."

	Accession Number	Document Date	Title/Description
45-53	ML13170A068	06/06/2013	2013/06/06 STP COL - STP - ACRS Consultant
45-54	ML13170A066	06/06/2013	2013/06/06 STP COL - STP - Misc OI
45-55	ML13151A234	06/06/2013	Phase 4 Safety Evaluation Regarding The South Texas Project Units 3 And 4 Combined License Application ? Chapters 3.7 And 3.8.
45-56	ML13156A260	06/06/2013	Request For Withholding Information from Public Disclosure for South Texas Projects Units 3 And 4.
45-57	ML13129A102	06/06/2013	South Texas Project Units 3 And 4 Combined License Application Review Schedule.
45-58	ML13129A138	06/06/2013	SER Chapter 3.0 Design Of Structures, Components, Equipment, And Systems for 3.7 and 3.8
45-59	ML13170A064	06/07/2013	2013/06/07 STP COL - SCHEDULE LETTER
45-60	ML13170A063	06/07/2013	2013/06/07 STP COL - STP - 3.9.2 Question
45-61	ML13170A065	06/07/2013	2013/06/07 STP COL - STP - 3.9.2 Telecon
45-62	ML13182A324	06/07/2013	2013/06/07 STP COL - STP- Ch 3.7/3.8 SER for Prop Review
45-63	ML13156A272	06/07/2013	Request For Withholding Information from Public Disclosure for South Texas Projects Units 3 And 4.
45-64	ML13074A411	06/07/2013	Request For Withholding Information From Public Disclosure For STP "ABWR Dryer Operating Experience For South Texas Projects, Units 3 and 4."
45-65	ML13071A611	06/07/2013	Request For Withholding Information From Public Disclosure For STP "Comprehensive Vibration Assessment Program (Unit 3)."
45-66	ML13071A619	06/07/2013	Request For Withholding Information From Public Disclosure For STP "Comprehensive Vibration Assessment Program Measurement, Test, and Inspection Plan (Unit 3 & 4)."
45-67	ML13074A437	06/07/2013	Request For Withholding Information From Public Disclosure For STP "Reactor Internals Non-Dryer Component Flow-Induced Vibration Assessment Report."
45-68	ML13071A626	06/07/2013	Request For Withholding Information From Public Disclosure For STP "Steam Dryer Flow-Induced Vibration Assessment Program (Unit 3)."
45-69	ML13170A062	06/10/2013	2013/06/10 STP COL - Fukushima draft RAI 7136.docx
45-70	ML13170A061	06/10/2013	2013/06/10 STP COL - STP - RAI 03.03.0-4 Response in 3H.6.4.3.4.3

	Accession Number	Document Date	Title/Description
45-71	ML13170A060	06/11/2013	2013/06/11 STP COL - STP - June 20 9 am Telecon
45-72	ML13170A059	06/13/2013	2013/06/13 STP COL - STP - 2-week Look-Ahead Actions
45-73	ML13170A056	06/17/2013	2013/06/17 STP COL - STP Fukushima Recommendation 4.2 draft RAIs

**Attachment 2 South Texas Project COL Hearing File and Mandatory Disclosures
List of Documents Withheld – Proprietary Information, Security-Related Information, and Safeguards Information
Update 45 – July 1, 2013**

Pursuant to the Revised Scheduling Order issued by the Licensing Board on October 3, 2012, 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.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
45-1	N/A	NINA	NINA, Approved Minutes of February 26, 2013 Meeting of Board of Managers of NINA.	02/26/2013	Meeting Minutes		Proprietary Information	
45-2	N/A	NINA, TANE	2010 Amended and Restated TANE Credit Agreement, Amendment to Credit Agreement, Amendment 8 to the Second Supplement and Amendment 6 to the Third Supplement.	03/27/2013	Credit Agreement		Proprietary Information	
45-3	ML13149A035	Maurer B F, Westinghouse Electric Co, LLC	WCAP-17256-P, Rev. 5, "STP, Unit 3, ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program."	04/30/2013	Topical Report	NRC/NRO	Proprietary Information	115

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
45-4	N/A	NINA, TANE	2010 Amended and Restated TANE Credit Agreement, Amendment 9 to the Second Supplement and Amendment 7 to the Third Supplement	05/20/2013	Credit Agreement		Proprietary Information	
45-5	ML13142A087	Eudy M A,NRC/NRO/ DNRL/LB3	STP Supplemental Requests for Additional Information (RAI) on WCAP-17202-P (Supplement 4 to BISON Topical Report RPA 90-90-P-A.	06/03/2013	Request for Additional Information (RAI)	NINA	Proprietary Information	5

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 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 June 15, 2013.

3. In accordance with the licensing board's Revised Scheduling Order of October 3, 2012, 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)

Rocky Foster
Project Manager, Licensing Branch 3
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
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(301) 415-5787
Rocky.Foster@nrc.gov

Executed in Rockville, MD,
this 1st day of July 2013

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 July 1, 2013, providing notice of the availability of the forty-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 1st day of July 2013.

/signed (electronically) by/
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