

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202-739-3000
Fax: 202-739-3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Stephen J. Burdick
202.739.5059
sburdick@morganlewis.com

August 1, 2013

Robert V. Eye, Esq.
Kauffman & Eye
112 SW 6th Ave., Suite 202
Topeka, KS 66603

Michael Spencer, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Forty-Sixth Update to Disclosures Pursuant to 10 C.F.R. § 2.336; *Nuclear Innovation North America LLC* (South Texas Project Units 3 and 4), Docket Nos. 52-012 and 52-013

Pursuant to 10 C.F.R. § 2.336, the agreement among the parties dated September 10, 2009, and the Revised Scheduling Order dated October 3, 2012, Nuclear Innovation North America LLC (NINA) is providing the forty-sixth update to its disclosures with respect to Intervenors' Contention FC-1, as admitted by the Board on September 30, 2011 (LBP-11-25).

NINA's disclosures consist of the following:

- Enclosure 1 provides the names, addresses, and telephone numbers of the persons upon whose opinion NINA bases its positions on the contention and upon whom NINA may rely upon as a witness, and a copy of the analyses and authorities upon which they base their opinions.
- Enclosure 2 provides a description, by category and location, of all relevant non-privileged documents, data compilations, and tangible things in the possession, custody, or control of NINA that are relevant to the admitted contention in this proceeding. If you determine that you would like a copy of any of these documents, please inform me of which documents you would like and I will provide a copy to you.
- Enclosure 3 provides an index of any documents, data compilations, or tangible things in the possession, custody, or control of NINA that may be relevant to the contention but contain

Mr. Robert V. Eye, et al.

August 1, 2013

Page 2

proprietary-related or otherwise protected information. Upon request by the NRC Staff, NINA will provide a copy using the procedure in 10 C.F.R. § 2.390. If the Intervenor desire a copy, NINA will provide any requested proprietary documents if they are covered by the existing Protective Order, or will work with the Intervenor to develop a mutually acceptable proposed amendment to the Protective Order for issuance by the Board.

- Enclosure 4 provides an index of relevant documents that are otherwise publicly available.

In order to compile Enclosures 2, 3, and 4, NINA made a reasonable good faith search of its records since the previous disclosures filed on July 1, 2013. The attached affidavit attests that all relevant materials identified by this search have been disclosed, and that the disclosures are accurate and complete as of July 15, 2013. Additions to the logs since the last disclosures are highlighted.

In the event that NINA identifies additional relevant documents or witnesses for any hearing on Contention FC-1, NINA will update these disclosures on the 1st day of each month (subject to 10 C.F.R. § 2.306(a)), as required by 10 C.F.R. § 2.336(d), the agreement among the parties dated September 10, 2009, and the Revised Scheduling Order dated October 3, 2012.

NINA has been conservative in identifying documents for inclusion in Enclosures 2, 3, and 4. By identifying documents on those Enclosures, NINA does not necessarily concede that the documents are in fact relevant or material to the admitted contention.

Sincerely,

Signed (electronically) by Stephen J. Burdick

Stephen J. Burdick

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Phone: 202-739-3000

Fax: 202-739-3001

E-mail: sburdick@morganlewis.com

Counsel for Nuclear Innovation North America LLC

Enclosures

cc: Service List

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | |
|---|--|
| In the Matter of) NUCLEAR INNOVATION NORTH AMERICA LLC) (South Texas Project Units 3 and 4)) | Docket Nos. 52-012-COL 52-013-COL August 1, 2013 |
|---|--|

AFFIDAVIT

1. My name is Scott Head. My title is Manager, Regulatory Affairs for South Texas Project, Units 3 & 4. Working with the attorneys for Nuclear Innovation North America LLC (NINA), I have been responsible for managing the searches, collection, and compilation of documents, data compilations, and tangible things to comply with the mandatory disclosure requirements in 10 C.F.R. § 2.336.
2. This Affidavit relates to the disclosures that NINA is providing on August 1, 2013 in the above-captioned proceeding pursuant to 10 C.F.R. § 2.336, the parties' joint agreement on mandatory disclosures, dated September 10, 2009, and the Revised Scheduling Order, dated October 3, 2012.
3. A reasonable good faith search was conducted of documents, data compilations, and tangible things in the possession, custody, or control of NINA for the types of information specified in 10 C.F.R. § 2.336(a). As provided in 10 C.F.R. § 2.336(c), this search was conducted based on information and documents reasonably available to NINA:
 - a. The searches encompassed both electronic and paper documents.

- b. The searches encompassed both South Texas Project (STP) Units 3 and 4 project-related files and documents in the possession and control of employees who have worked on the STP Units 3 and 4 project.
 - c. The searches also encompassed documents, data compilations, and tangible things in the possession and control of the vendors and contractors who have supported the NINA combined license application to the extent that NINA has rights to these documents, data compilations, and tangible things.
 - d. Searches did not encompass documents in the possession of individuals who did not work on the STP Units 3 and 4 project or files unrelated to the STP Units 3 and 4 project.
- 4. Enclosure 2 provides the index of relevant non-privileged, non-protected documents, data compilations, and tangible things that were located as a result of this search.
 - 5. Enclosure 3 provides the index of relevant documents, data compilations, and tangible things containing proprietary-related or otherwise protected information.
 - 6. Enclosure 4 provides the index of relevant documents, data compilations, and tangible things that are publicly available.
 - 7. NINA has been conservative in identifying documents for inclusion in Enclosures 2, 3, and 4. By identifying documents on those Enclosures, I do not necessarily concede that the documents are in fact relevant or material to the admitted contention.
 - 8. These disclosures are accurate and complete as of July 15, 2013.

The statements made above are true to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Accord with 10 C.F.R. § 2.304(d)

Scott M. Head

Manager, Regulatory Affairs

122 West Way, Suite 405

Lake Jackson, TX 77566

Phone: 979-316-3011

E-mail: smhead@stpegs.com

Executed this 1st day of August 2013

ENCLOSURE 1

NINA WITNESSES

The name and, if known, the address and telephone number of any person, including any expert, upon whose opinion the party bases its claims and contentions and may rely upon as a witness:

Response: Contention FC-1

NINA has identified the following witnesses for Contention FC-1:

Mark A. McBurnett
Chief Executive Officer and Chief Nuclear Officer
Nuclear Innovation North America LLC
122 West Way, Suite 405
Lake Jackson, TX 77566
Phone: 979-316-3010

Samuel J. Collins
48 Deer Run Lane
Swanton, MD 21561
Phone: 301-922-2861

Robert S. Wood
300 Gunboat Lane
Daniel Island, SC 29492
Phone: 843-278-0628

Jamey S. Seely
Senior Vice President, Alternative Energy
NRG Energy, Inc.
1050 N. Post Oak Rd.
Houston, TX 77055
Phone: 646-341-0967

NINA will update this disclosure if and when it identifies additional persons that it may rely upon as its witnesses.

A copy of the analysis or other authority upon which that person bases his or her opinion:

Response: Contention FC-1

Mr. McBurnett bases his opinion upon the July 1, 2013 “Direct Testimony of Applicant Witness Mark A. McBurnett Regarding Contention FC-1” and the July 22, 2013 “Rebuttal Testimony of Applicant Witness Mark A. McBurnett Regarding Contention FC-1.”

Mr. Collins and Mr. Wood base their opinions upon the July 1, 2013 “Direct Testimony of Applicant Witnesses Samuel J. Collins and Robert S. Wood Regarding Contention FC-1” and the July 22, 2013 “Rebuttal Testimony of Applicant Witnesses Samuel J. Collins and Robert S. Wood Regarding Contention FC-1.”

Ms. Seely bases her opinion upon the July 1, 2013 “Direct Testimony of Applicant Witness Jamey S. Seely Regarding Contention FC-1.”

NINA will update its mandatory disclosures if and when it has identified any additional analyses and authorities upon which its witnesses base their opinions.

ENCLOSURE 2

Mandatory Disclosure Log

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/DESCRIPTION | CONTENTION |
|-----------|---|-------------------------|---------------------|-----------|---|------------|
| 1 - 14 | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | | |
| 15 | MOVED TO ENCLOSURE 4 | | | | | |
| 16 - 145 | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | | |
| 146 | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | | |
| 147 - 172 | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | | |
| 173 - 175 | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | | |
| 176 | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | | |
| 177 - 197 | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | | |
| 198 | 06/20/2011 | Morgan, Lewis & Bockius | NRC | NINA | Request for Additional Information No. 5856 Rev. 3 | FC-1 |
| 199 | 04/19/2011 | Morgan, Lewis & Bockius | Ed Halpin | STPNOC | Corporate Communication: NRG Ends Participation in STP Units 3 & 4 | FC-1 |
| 200 | 01/14/2011 | Morgan, Lewis & Bockius | M. McBurnett | S. Head | E-mail re. Foreign Ownership | FC-1 |
| 201 | 10/05/2011 | Morgan, Lewis & Bockius | M. McBurnett | B. Eller | E-mail re. Response to Bay City Tribune Article on Foreign Issues | FC-1 |
| 202 | 10/11/2011 | Morgan, Lewis & Bockius | NINA | NRC Staff | NINA Presentation to NRC Staff | FC-1 |
| 203 | 12/15/2011 | Morgan, Lewis & Bockius | NINA | N/A | Corporate Communication: Units 3&4 Update | FC-1 |
| 204 | 02/16/2012 | Morgan, Lewis & Bockius | NINA | N/A | White Paper: Key Generic Licensing Issues for the Development of New U.S. Merchant Reactors | FC-1 |
| 205 | 02/15/2012 | Morgan, Lewis & Bockius | NINA | N/A | Foreign Investment in U.S. Nuclear Reactors: Negotiation Action Plans to Facilitate Investment | FC-1 |
| 206 | 02/22/2012 | Morgan, Lewis & Bockius | NINA | N/A | White Paper: Key Generic Licensing Issues for the Development of New U.S. Merchant Reactors | FC-1 |
| 207 | 02/22/2012 | Morgan, Lewis & Bockius | NINA | N/A | White Paper (Redline): Key Generic Licensing Issues for the Development of New U.S. Merchant Reactors | FC-1 |
| 208 | 02/23/2012 | Morgan, Lewis & Bockius | NINA | N/A | White Paper: Key Generic Licensing Issues for the Development of New U.S. Merchant Reactors | FC-1 |

*Morgan Lewis is located at 1111 Pennsylvania Avenue, NW, Washington, DC 20004.

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/DESCRIPTION | CONTENTION |
|-------|------------|-------------------------|--------------------------|---------------------------------------|---|------------|
| 209 | 03/15/2012 | Morgan, Lewis & Bockius | S. Head and M. McBurnett | S. Head and M. McBurnett | E-mail re. Foreign Ownership Conversation with NRC Staff | FC-1 |
| 210 | 03/15/2012 | Morgan, Lewis & Bockius | S. Head and M. McBurnett | S. Head and M. McBurnett | E-mail re. Foreign Ownership Conversation with NRC Staff | FC-1 |
| 211 | 07/16/2012 | Morgan, Lewis & Bockius | M. McBurnett | T. Hulihan, U.S. Department of Energy | E-mail re. Foreign Ownership and Related NRC Staff Review | FC-1 |
| 212 | 06/21/2012 | Morgan, Lewis & Bockius | NINA | N/A | STP Units 3 and 4 Advanced Boiling Water Reactor Corrective Action Program, Rev. 11 | FC-1 |
| 213 | 02/26/2013 | Morgan, Lewis & Bockius | NEI | N/A | NEI New Plant Working Group Presentation on NRC Financial Qualifications/Foreign Ownership, Control & Domination Issues | FC-1 |
| 214 | 05/01/2013 | Morgan, Lewis & Bockius | D. Knox | M. McBurnett | E-mail re. World Nuclear News Article on NRC Staff FOCD Position | FC-1 |
| 215 | 05/02/2013 | Morgan, Lewis & Bockius | B. Eller | M. McBurnett | E-mail re. Bay City Tribune Article on NRC Staff FOCD Position | FC-1 |
| 216 | 04/30/2013 | Morgan, Lewis & Bockius | D. Knox | M. McBurnett | E-mail re. Dallas Morning News Article on NRC Staff FOCD Position | FC-1 |
| 217 | 04/29/2013 | Morgan, Lewis & Bockius | M. McBurnett | D. Knox | E-mail re. Response to NRC Associated with Foreign Ownership | FC-1 |
| 218 | 05/01/2013 | Morgan, Lewis & Bockius | H. Carr | D. Knox | Email re. Foreign Ownership Questions | FC-1 |
| 219 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | T. Hulihan | Email re. NRC Staff FOCD Position | FC-1 |
| 220 | 05/02/2013 | Morgan, Lewis & Bockius | M. McBurnett | Y. Kanda | Email re. Platts Article on NRC Staff FOCD Position | FC-1 |
| 221 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | D. Koehl | Email re. NRC Staff FOCD Position | FC-1 |
| 222 | 05/02/2013 | Morgan, Lewis & Bockius | M. McBurnett | W. Jump | Email re. NRC Staff FOCD Position | FC-1 |
| 223 | 05/02/2013 | Morgan, Lewis & Bockius | D. Knox | D. Wilson | Email re. Platts Article on NRC Staff FOCD Position | FC-1 |
| 224 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | N. McDonald | Email re. NRC Staff FOCD Position | FC-1 |
| 225 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | B. Eller | Email re. NRC Staff FOCD Position | FC-1 |
| 226 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | D. Walters | Email re. NRC Staff FOCD Position | FC-1 |
| 227 | 04/29/2013 | Morgan, Lewis & | M. McBurnett | Y. Kanda | Email re. NRC Staff FOCD Position | FC-1 |

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/DESCRIPTION | CONTENTION |
|-------|------------|-------------------------|---------------------|--------------|---|------------|
| | | Bockius | | | | |
| 228 | 05/01/2013 | Morgan, Lewis & Bockius | M. McBurnett | R. Bell | Email re. M. McBurnett Update to New Plant Working Group | FC-1 |
| 229 | 04/30/2013 | Morgan, Lewis & Bockius | D. Knox | D. Wilson | Email re. San Antonio Express-News/Houston Chronicle and Dallas Morning News on NRC FOCD Position | FC-1 |
| 230 | 05/01/2013 | Morgan, Lewis & Bockius | D. Knox | D. Wilson | Email re. SEED Release on NRC FOCD Position | FC-1 |
| 231 | 05/04/2013 | Morgan, Lewis & Bockius | D. Knox | B. Eller | Email re. Request for Article on NRC FOCD Position | FC-1 |
| 232 | 05/02/2013 | Morgan, Lewis & Bockius | M. McBurnett | D. Knox | Email re. Platts Article on NRC Staff FOCD Position | FC-1 |
| 233 | 04/29/2013 | Morgan, Lewis & Bockius | M. McBurnett | R. Bell | Email re. NRC Staff FOCD Position | FC-1 |
| 234 | 05/02/2013 | Morgan, Lewis & Bockius | M. McBurnett | B. Eller | Email re. Nucleonics Article on NRC Staff FOCD Position | FC-1 |
| 235 | 05/02/2013 | Morgan, Lewis & Bockius | B. Eller | M. McBurnett | Email re. Bay City Tribune Article on NRC FOCD Position | FC-1 |
| 236 | 04/30/2013 | Morgan, Lewis & Bockius | M. McBurnett | B. Eller | Email re. NRC Staff FOCD Position | FC-1 |
| 237 | 04/30/2013 | Morgan, Lewis & Bockius | C. Shellman | M. McBurnett | Email re. NRC Staff FOCD Position | FC-1 |
| 238 | 04/30/2013 | Morgan, Lewis & Bockius | T. Hulihan | M. McBurnett | Email re. NRC Staff FOCD Position | FC-1 |
| 239 | 04/30/2013 | Morgan, Lewis & Bockius | D. Walters | M. McBurnett | Email re. NRC Staff FOCD Position | FC-1 |
| 240 | 04/30/2013 | Morgan, Lewis & Bockius | D. Koehl | M. McBurnett | Email re. NRC Staff FOCD Position | FC-1 |
| 241 | 05/02/2013 | Morgan, Lewis & Bockius | D. Knox | M. McBurnett | Email re. Platts Article on NRC Staff FOCD Position | FC-1 |
| 242 | 06/10/2013 | Morgan, Lewis & Bockius | M. McBurnett | N/A | NINA Chief Executive Officer's Interim Certificate | FC-1 |

ENCLOSURE 3

Proprietary Log

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION | BASIS FOR PROPRIETARY STATUS |
|--------|---|-------------------------|---------------------|-----|--|------------|------------------------------|
| 1 - 30 | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | | | |
| 31 | 06/23/2011 | Morgan, Lewis & Bockius | NINA | NRC | Proposed Updated to COLA Part 1 Information | FC-1 | NINA Proprietary Information |
| 32 | 05/26/2010 | Morgan, Lewis & Bockius | NINA | NRC | Supplemental Response to Request for Additional Information | FC-1 | NINA Proprietary Information |
| 33 | 09/10/2009 | Morgan, Lewis & Bockius | NINA | DOE | STP 3 & 4 90-Day Update Presentation to DOE | FC-1 | NINA Proprietary Information |
| 34 | 02/24/2009 | Morgan, Lewis & Bockius | NINA | DOE | STP 3 & 4 Part II Update Presentation to DOE | FC-1 | NINA Proprietary Information |
| 35 | 04/15/2010 | Morgan, Lewis & Bockius | NINA | DOE | TEPCO Investment Approval Presentation to DOE | FC-1 | NINA Proprietary Information |
| 36 | 11/19/2009 | Morgan, Lewis & Bockius | NINA | DOE | Presentation to DOE – NINA Overview and Update | FC-1 | NINA Proprietary Information |
| 37 | 09/13/2010 | Morgan, Lewis & Bockius | NINA | DOE | Part II Submission Follow-on Pertaining to STP Units 3 & 4 Project Funding and Financing | FC-1 | NINA Proprietary Information |
| 38 | 03/05/2009 | Morgan, Lewis & Bockius | NINA | N/A | TEPCO Due Diligence Session Presentation | FC-1 | NINA Proprietary Information |

*Morgan Lewis is located at 1111 Pennsylvania Avenue, NW, Washington, DC 20004.

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION | BASIS FOR PROPRIETARY STATUS |
|-------|---------------------|-------------------------|---------------------|----------------|---|------------|------------------------------|
| 39 | 05/10/2010 | Morgan, Lewis & Bockius | NINA/TEPCO | NINA/TEPCO | NINA and TEPCO Investment and Option Agreement | FC-1 | NINA Proprietary Information |
| 40 | 05/10/2010 | Morgan, Lewis & Bockius | NRG/NINA/TEPCO | NRG/NINA/TEPCO | Parent Company Agreement | FC-1 | NINA Proprietary Information |
| 41 | 05/08/2009 | Morgan, Lewis & Bockius | NINA | N/A | NINA Amended Operating Agreement | FC-1 | NINA Proprietary Information |
| 42 | 07/09/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Board of Directors Presentation on Foreign Ownership, Control, or Domination | FC-1 | NINA Proprietary Information |
| 43 | 07/09/2012 | Morgan, Lewis & Bockius | NINA | N/A | Approved Meeting Minutes of the Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 44 | 04/05/2011 | Morgan, Lewis & Bockius | NINA | N/A | Approved Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 45 | 04/12/2012 | Morgan, Lewis & Bockius | NINA | N/A | Approved Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 46 | 09/11/2012 | Morgan, Lewis & Bockius | NINA | N/A | Non-voting Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 47 | 01/24/2011 | Morgan, Lewis & Bockius | NINA | N/A | Written Consent of Manager of NINA | FC-1 | NINA Proprietary Information |
| 48 | 01/31/2013 | Morgan, Lewis & Bockius | NINA | N/A | Proposed Update to COLA Part 1 Information | FC-1 | NINA Proprietary Information |
| 49 | 01/24/2013 | Morgan, Lewis & Bockius | NINA | N/A | Non-voting Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 50 | DELETED - DUPLICATE | | | | | | |

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION | BASIS FOR PROPRIETARY STATUS |
|-------|-----------------------------|-------------------------|---------------------|----------------|--|------------|--|
| 51 | 11/13/2012 | Morgan, Lewis & Bockius | NINA | N/A | Non-voting Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 52 | 07/27/2011 | Morgan, Lewis & Bockius | J. Seeley | L. Przychodzki | Resignation of NINA CFO, B. Chung | FC-1 | NINA Proprietary Information |
| 53 | 02/26/2013 | Morgan, Lewis & Bockius | NINA | N/A | Approved Meeting Minutes of Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 54 | SUPERSEDED BY DOC NUMBER 55 | | | | | | |
| 55 | 04/30/2013 | Morgan, Lewis & Bockius | STPNOC | NRC | STPNOC and NRG Energy Update on Foreign Ownership, Control, or Influence | FC-1 | NINA Personally Identifiable Information |
| 56 | 05/20/2013 | Morgan, Lewis & Bockius | NINA | N/A | NINA Amendment to Credit Agreement. Amendment 9 to Second Supplement and Amendment 7 to Third Supplement | FC-1 | NINA Proprietary Information |
| 57 | 04/29/2013 | Morgan, Lewis & Bockius | NINA | N/A | NINA Waiver of TANE Default Agreement | FC-1 | NINA Proprietary Information |
| 58 | 03/27/2013 | Morgan, Lewis & Bockius | NINA | N/A | NINA Amendment to Credit Agreement, Amendment 8 to Second Supplement and Amendment 6 to Third Supplement | FC-1 | NINA Proprietary Information |
| 59 | 11/29/2010 | Morgan, Lewis & Bockius | NINA | N/A | NINA Amended and Restated Credit Agreement | FC-1 | NINA Proprietary Information |
| 60 | 11/29/2010 | Morgan, Lewis & Bockius | NINA | N/A | NINA First Supplement to Credit Agreement | FC-1 | NINA Proprietary Information |
| 61 | 05/15/2011 | Morgan, Lewis & Bockius | NINA | N/A | NINA Second Supplement to Credit | FC-1 | NINA Proprietary |

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION | BASIS FOR PROPRIETARY STATUS |
|-------|------------|-------------------------|---------------------|-----|--|------------|------------------------------|
| | | | | | Agreement | | Information |
| 62 | 06/30/2011 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment to Second Supplement | FC-1 | NINA Proprietary Information |
| 63 | 08/31/2011 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Third Supplement to Credit Agreement | FC-1 | NINA Proprietary Information |
| 64 | 10/04/2011 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment 3 to First and Second Supplements and Amendment 1 to Third Supplement | FC-1 | NINA Proprietary Information |
| 65 | 11/09/2011 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment 4 to First and Second Supplements and Amendment 2 to Third Supplement | FC-1 | NINA Proprietary Information |
| 66 | 02/24/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment 5 to Second Supplement and Amendment 3 to Third Supplement | FC-1 | NINA Proprietary Information |
| 67 | 04/27/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment 6 to Second Supplement and Amendment 4 to Third Supplement | FC-1 | NINA Proprietary Information |
| 68 | 09/28/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Waiver of TANE Default Agreement | FC-1 | NINA Proprietary Information |
| 69 | 10/23/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Credit Agreement, Amendment 7 to Second Supplement and Amendment 5 to Third Supplement | FC-1 | NINA Proprietary Information |

| DOC # | DATE | LOCATION* | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION | BASIS FOR PROPRIETARY STATUS |
|-------|------------|-------------------------|---------------------|-----|--|------------|------------------------------|
| 70 | 10/05/2011 | Morgan, Lewis & Bockius | NINA | NRC | Additional Information Concerning Financial Qualifications | FC-1 | NINA Proprietary Information |
| 71 | 06/07/2012 | Morgan, Lewis & Bockius | NINA | NRC | Supplemental Response to Request for Additional Information | FC-1 | NINA Proprietary Information |
| 72 | 06/27/2013 | Morgan, Lewis & Bockius | NINA | N/A | Non-Voting Meeting Minutes of the Board of Managers of NINA | FC-1 | NINA Proprietary Information |
| 73 | 04/26/2012 | Morgan, Lewis & Bockius | NINA | N/A | NINA Consolidated Financial Statements: December 31, 2011 and 2010 | FC-1 | NINA Proprietary Information |
| 74 | 03/29/2013 | Morgan, Lewis & Bockius | NINA | N/A | NINA Consolidated Financial Statements: December 31, 2012 and 2011 | FC-1 | NINA Proprietary Information |

ENCLOSURE 4

Publicly Available Log

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|---------|------------|---|---------------------|-----|--|------------|
| 1 - 27 | | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | |
| 28 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 29 - 32 | | DELETED PER LBP-10-14 (DISMISSING CONTENTIONS 8, 9, 14, 16, AND 21) | | | | |
| 33 - 40 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 41 - 55 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 56 - 60 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 61 - 63 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 64 - 67 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 68 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 69 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 70 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 71 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 72 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 73 | | DELETED BECAUSE THE RECORD FOR CONTENTION CL-2 HAS CLOSED | | | | |
| 74 - 80 | | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | |
| 81 | 04/19/2011 | Available at http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9OTAwMzB8Q2hpbGRJR D0tMXxUeXBIP TM=&t=1 | NRG Energy, Inc. | N/A | NRG News Release on Development of STP Units 3 & 4 | FC-1 |
| 82 | 04/23/2011 | Available at http://www.laptopsmanual.com/category/toshiba-notebook-manuals/page/7 | Toshiba Corp. | N/A | Toshiba Corp. Continuing to Pursue a License | FC-1 |
| 83 | 05/10/2010 | Available at http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9NDUzMTR8Q2hpbGRJR D0tMXxUeXBIP TM=&t=1 | NRG Energy, Inc. | N/A | TEPCO to Be a Partner in STP Nuclear Expansion Project | FC-1 |
| 84 | 05/10/2010 | Available at http://www.tepco.co.jp/en/press/corp-com/release/10051001-e.html | TEPCO | N/A | TEPCO to Invest in STP Expansion (STP Units 3 & 4) | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|------------|--|---------------------|-----|---|------------|
| 85 | 05/05/2011 | Available at http://investor.nrgenergy.com/phoenix.zhtml?c=121544&p=IROL-sec&secCat01.1_rs=31&secCat01.1_rc=10 | NRG Energy, Inc. | N/A | NRG Energy, Inc. 10-Q | FC-1 |
| 86 | 08/02/2010 | Available at http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MzlyMzlwMHx0aGlsZElEPTM5MTQ5NnxUeXBIPTI=&t=1 | NRG Energy, Inc. | N/A | NRG's Second Quarter 2010 Results Presentation | FC-1 |
| 87 | 04/21/2011 | Available at ADAMS Accession No. ML111220150 | NRC | N/A | Advisory Committee on Reactor Safeguards Subcommittee Meeting Transcript | FC-1 |
| 88 | 01/31/2011 | Available at ADAMS Accession No. ML110340538 | NINA | N/A | STP Units 3 & 4 COLA (General Financials), Rev. 5 | FC-1 |
| 89 | 10/05/2010 | Available at ADAMS Accession No. ML102860171 | NINA | N/A | STP Units 3 & 4 COLA (General Financials), Rev. 4 | FC-1 |
| 90 | 09/16/2009 | Available at ADAMS Accession No. ML092931176 | NINA | N/A | STP Units 3 & 4 COLA (General Financials), Rev. 3 | FC-1 |
| 91 | 09/24/2008 | Available at ADAMS Accession No. ML082830951 | NINA | N/A | STP Units 3 & 4 COLA (General Financials), Rev. 2 | FC-1 |
| 92 | 08/02/2010 | Available at http://investor.nrgenergy.com/phoenix.zhtml?c=121544&p=IROL-sec&secCat01.1_rs=31&secCat01.1_rc=10 | NRG Energy, Inc. | N/A | NRG Energy, Inc. 10-Q | FC-1 |
| 93 | 02/17/1999 | Available at ADAMS Legacy Accession No. 003753727 | NRC | N/A | SECY-98-246 Commission Voting Record, Standard Review Plan on FOCD of Applicants for Reactor Licenses | FC-1 |
| 94 | 10/30/2009 | Available at ADAMS Accession No. ML093010003 | NRC | N/A | Revised Safety Evaluation of Direct and Indirect License | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|---|--|---------------------|------|---|------------|
| | | | | | Transfers Due to Corporate Restructuring | |
| 95 | 11/24/1999 | Available at ADAMS Accession No. ML993550412 | NRC | N/A | Safety Evaluation of the Proposed Transfer of Clinton Power Station Operating License | FC-1 |
| 96 | 06/30/1999 | Available at ADAMS Accession No. ML992800078 | NRC | N/A | SECY-99-165 Final Standard Review Plan Regarding FOCD of Applicants for Reactor Licenses | FC-1 |
| 97 | 08/31/1999 | Available at ADAMS Accession No. ML003752184 | NRC | N/A | Staff Requirements Memorandum, SECY-99-165 Final Standard Review Plan Regarding FOCD of Applicants for Reactor Licenses | FC-1 |
| 98 | 10/13/2011 | Available at ADAMS Accession No. ML112860167 | NRC | NINA | Request for Additional Information No. 6046, Rev. 6 | FC-1 |
| 99 | 10/13/2011 | Available at ADAMS Accession No. ML112860167 | NRC | NINA | Request for Additional Information No. 6049, Rev. 6 | FC-1 |
| 100 | 07/13/2011 | Available at ADAMS Accession No. ML111950209 | NRC | NINA | Request for Additional Information No. 5856, Rev. 5 | FC-1 |
| 101 | 08/04/2011 | Available at ADAMS Accession No. ML11217A222 | NINA | NRC | NINA Response to Request for Additional Information No. 5856 | FC-1 |
| 102 | DELETED BECAUSE THE RECORD FOR CONTENTION DEIS-1-G HAS CLOSED | | | | | |
| 103 | 02/28/2011 | Available at http://public-blog.nrc-gateway.gov/2011/02/28/when-foreign-countries-want-to-buy-into-u-s-nuclear-power-plants-%E2%80%93-what-then/ | NRC | N/A | When Foreign Countries Want to Buy into U.S. Nuclear Power Plants – What Then? | FC-1 |
| 104 | 01/17/2012 | Morgan, Lewis & Bockius | NINA | N/A | STP Units 3 & 4 Combined License Application: Ownership and Control of NINA | FC-1 |
| 105 | 04/17/2013 | Available at ADAMS Accession No. ML13115A682 | NINA | N/A | STP Units 3 & 4 COLA (General and | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|----------------|--|---|--------|---|------------|
| | | | | | Financial Information), Rev. 9 | |
| 106 | 02/13/2013 | Available at http://markets.cbsnews.com/cbsnews/action/getedgarwindow?accesscode=119312513065377 | NINA | Shaw | Shaw 8-K | FC-1 |
| 107 | 11/1/2012 | Available at ADAMS Accession No. ML12297A134 | NRC | STPNOC | Request for Threshold Determination Under 10 CFR 50.80 | FC-1 |
| 108 | 03/05/1970 | Available at http://cns.miis.edu/inventory/pdfs/aptnpt.pdf | Center for Nonproliferation Studies | N/A | The Treaty on the Nonproliferation of Nuclear Weapons | FC-1 |
| 109 | September 1997 | Available at http://www.iaea.org/Publications/Documents/infircs/1997/infirc540c.pdf | International Atomic Energy Agency (IAEA) | N/A | Model Protocol Additional to the Agreements Between the States and the IAEA for the Application of Safeguards (INFCIRC 540 (corrected)) | FC-1 |
| 110 | 03/08/1954 | Available at http://japan2.usembassy.gov/pdfs/wwwf-mdao-mdaa1954.pdf | U.S. Department of State | N/A | The Mutual Defense Assistance Agreement Between the U.S. and Japan | FC-1 |
| 111 | 03/27/2012 | Available at http://www.whitehouse.gov/the-press-office/2012/03/27/united-states-japan-nuclear-security-working-group-fact-sheet | White House | N/A | White House Press Statement: U.S.-Japan Nuclear Security Working Group | FC-1 |
| 112 | 02/26/1968 | Available at http://nnsa.energy.gov/sites/default/files/nnsa/05-13-multiplefiles/2013-05-02%20Japan_123.pdf | National Nuclear Security Agency | N/A | Agreement for Cooperation Between the Government of the U.S. and the Government of Japan Concerning Civil Uses of Atomic Energy | FC-1 |
| 113 | December 2012 | Available at http://www.fas.org/_docs/2012IssueBrief_Japan.pdf | Federation of American Scientists | N/A | Japan's Role as Leader for Nuclear Nonproliferation | FC-1 |
| 114 | 03/31/2012 | Available at http://www.toshiba.co.jp/about/ir/en/finance/ar/ar2012/tar2012e.pdf | Toshiba | N/A | Toshiba 2012 Annual Report | FC-1 |
| 115 | 12/31/2012 | Available at http://www.sec.gov/Arc_hives/edgar/data/80255/000008025513000312/nrg13gadec12.htm | NRG Energy | N/A | NRG Energy SEC Schedule | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|------------|--|---------------------|-----|---|------------|
| 116 | 05/07/2013 | Available at ADAMS Accession No. ML13136A243 | NINA | N/A | Request for Threshold Determination Under 10 CFR 50.80 | FC-1 |
| 117 | 05/29/2013 | Available at ADAMS Accession No. ML13157A020 | NINA | N/A | NINA Review of NRC Staff Letter for Identification of Proprietary Information re FOCD Review | FC-1 |
| 118 | 04/12/1999 | Available at ADAMS Legacy Accession No. 9905180206 | NRC | N/A | Safety Evaluation of Transfer of Facility Operating License of Three Mile Island, Unit 1 | FC-1 |
| 119 | 11/24/1999 | Available at ADAMS Accession No. ML993500269 | NRC | N/A | Order Approving Transfer of License and Conforming Amendment | FC-1 |
| 120 | 06/06/2000 | Available at ADAMS Accession No. ML003723210 | NRC | N/A | Order Approving Transfer of License for Oyster Creek | FC-1 |
| 121 | 07/07/2000 | Available at ADAMS Accession No. ML003728089 | NRC | N/A | Order Approving Transfer of License for Vermont Yankee | FC-1 |
| 122 | 11/04/1999 | Available at ADAMS Accession No. ML993200214 | NRC | N/A | Notice of Withdrawal of Petitions for Leave to Intervene and for Hearing and Joint Motion to Terminate Proceeding | FC-1 |
| 123 | 11/10/1999 | Available at ADAMS Accession No. ML993260013 | NRC | N/A | Safety Evaluation of Proposed Merger of PacifiCorp and ScottishPower PLC | FC-1 |
| 124 | 08/12/2011 | Available at ADAMS Accession No. ML11234A062 | CENG | NRC | Response to NRC's Request for Additional Information on License Transfer Application | FC-1 |
| 125 | 10/30/1998 | Available at ADAMS Accession No. ML992870102 | NRC | N/A | Preliminary Staff View Concerning Its Review of the Foreign Ownership Aspects of | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|------------|--|---|-----|---|------------|
| | | | | | AmerGen's Proposed Purchase of Three Mile Island, Unit 1 | |
| 126 | 12/22/1999 | 64 Fed. Reg. 71832 | NRC | N/A | Order Approving Merger of New England Electric System and the National Grid Group PLC | FC-1 |
| 127 | 12/27/1999 | 64 Fed. Reg. 72367 | NRC | N/A | Order Approving Application Regarding Merger of New England Electric Systems and National Grid Group PLC | FC-1 |
| 128 | 03/01/2000 | 65 Fed. Reg. 11091 | NRC | N/A | Order Approving Transfer of License and Conforming Amendment | FC-1 |
| 129 | 12/10/1999 | Available at ADAMS Accession No. ML993540045 | NRC | N/A | Safety Evaluation of Proposed Merger of New England Electric System and the National Grid Group PLC, Seabrook Station, Unit 1 | FC-1 |
| 130 | 03/11/2013 | Available at ADAMS Accession No. ML13070A150 | NRC | N/A | Staff Requirements Memorandum – SECY-12-0168 Petition for Review of LBP-12-19 | FC-1 |
| 131 | 06/19/2013 | Available at ADAMS Accession No. ML13169A118 | Paul M. Murphy, Milbank, Tweed, Hadley & McCloy LLP | N/A | Presentation at NRC Public Meeting: Considerations from a Financing Perspective | FC-1 |
| 132 | 06/19/2013 | Available at ADAMS Accession No. ML13170A231 | Ellen C. Ginsberg, NEI | N/A | Presentation at NRC Public Meeting: Perspectives on Foreign Ownership, Control or Domination Issues and the Global Nuclear Market | FC-1 |
| 133 | 06/19/2013 | Available at ADAMS Accession No. | John E. Matthews, Morgan Lewis | N/A | Presentation at NRC Public | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|------------|---|---|-----|--|------------|
| | | ML13169A096 | | | Meeting: Focusing the FOCD Restriction on National Security | |
| 134 | 06/19/2013 | Available at ADAMS Accession No. ML13169A180 | Michael Mariotte, Nuclear Information and Resource Service | N/A | Presentation at NRC Public Meeting: Foreign ownership, control or domination of U.S. nuclear reactors | FC-1 |
| 135 | 11/06/2009 | Available at http://www.google.com/url?sa=t&rct=j&q=%22second%20amended%20and%20restated%20operating%20agreement%22%20and%20%22november%206%2C%202009%22&source=web&cd=2&cad=rja&ved=0CC8QFjAB&url=http%3A%2F%2Fwebapp.psc.state.md.us%2FIntranet%2FCasenum%2FNewIndex3_VOpenFile.cfm%3Ffilepath%3DC%3A%255CCasenum%255C9200-9299%255C9271%255CItem_11%255C%255CAtt7_11-06-2009CENGSecondAmendedOperatingAgreement.pdf&ei=AEXKUf3aEtSr4APD_IGQDg&usg=AFQjCNHV-EhLOT2f34_ymwz8T_Py8Ysl0w | Constellation Nuclear Energy Group, LLC (CENG) | N/A | CENG Second Amended and Restated Operating Agreement | FC-1 |
| 136 | 08/18/1997 | Available at ADAMS Legacy Accession No.9901210024 | AmerGen Energy Company, LLC | N/A | Limited Liability Company Agreement | FC-1 |
| 137 | 1999 | Available at 20 Energy L.J. 263 (1999) | Martin G. Malsch | N/A | Energy Law Journal: The Purchase of U.S. Nuclear Power Plants by Foreign Entities | FC-1 |
| 138 | 06/19/2013 | Available at ADAMS Accession No. ML13169A416 | Christopher R. Brewster, Stroock | N/A | Presentation at NRC Public Meeting: Mitigation of Foreign Ownership, Control, & Influence The Experience Under the National Industrial Security Program | FC-1 |

| DOC # | DATE | LOCATION | AUTHOR OR CUSTODIAN | TO | SUBJECT/ DESCRIPTION | CONTENTION |
|-------|------|----------|---------------------|----|----------------------|------------|
| | | | | | Operating Manual | |

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | |
|--|--------------------------|
| In the Matter of) | Docket Nos. 52-012-COL) |
| NUCLEAR INNOVATION NORTH AMERICA LLC) | 52-013-COL) |
| (South Texas Project Units 3 and 4)) | August 1, 2013) |

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2013 a copy of Nuclear Innovation North America LLC’s “Forty-Sixth Update to Disclosures Pursuant to 10 C.F.R. § 2.336” was served by the Electronic Information Exchange.

Signed (electronically) by Stephen J. Burdick

Stephen J. Burdick
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: sburdick@morganlewis.com

Counsel for Nuclear Innovation North America LLC