

August 3, 2001

Mr. William T. Cottle  
President and Chief Executive Officer  
STP Nuclear Operating Company  
South Texas Project Electric  
Generating Station  
P. O. Box 289  
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 - SAFETY EVALUATION ON  
EXEMPTION REQUESTS FROM SPECIAL TREATMENT REQUIREMENTS OF  
10 CFR PARTS 21, 50, AND 100 (TAC NOS. MA6057 AND MA6058)

Dear Mr. Cottle:

The purpose of this letter is to provide you with the U.S. Nuclear Regulatory Commission (NRC) staff's assessment of your application, dated July 13, 1999, as supplemented October 14 and 22, 1999, January 26 and August 31, 2000, and January 15, 18, and 23, March 19, and May 8 and 21, 2001, for exemptions from certain requirements of 10 CFR Parts 21, 50, and 100 (hereinafter, exemption requests or submittal). Copies of exemptions granted or denied are provided as Enclosure 1. Enclosure 2 provides our safety evaluation (SE) that addresses each of the regulations for which you sought an exemption. In our draft SE issued on November 15, 2000, we identified a number of open and confirmatory items that required resolution. The enclosed SE provides the resolution of each of the open items from the draft SE. On June 5, 2001, we requested that you review a preliminary SE for factual errors or omissions. You provided your comments on July 3, 2001. Enclosure 3 provides our response to your comments as previously discussed with your staff.

In the SE, there are instances where we have concluded that (1) the NRC should grant the requested exemption (either completely or with some restrictions), and (2) an exemption does not appear necessary to enable implementation of your alternative processes as requested, and accordingly the NRC has denied the requested exemption.

Your categorization process is the most significant feature of your proposal and received the greatest emphasis in our assessment of your exemption requests. We have reviewed the attributes of this process extensively and determined that it is a robust methodology for determining the risk significance of structures, systems, and components (SSCs). Based on our review we concluded that the categorization process is acceptable for determining the risk significance of SSCs as it applies to the scope of the exemptions we have granted.

In your submittal, you provided us with a description of the elements and objectives of the treatment processes that you will use as the basis for concluding that there is reasonable confidence that the exempted SSCs will remain functional. We have reviewed the elements and objectives of your proposed alternative treatment processes for safety-related low safety significant and non-risk significant SSCs. We found that the alternative treatment processes you proposed contain elements that, if you effectively implement, will provide reasonable

confidence that these SSCs remain capable of performing their safety-related functions under design-basis conditions. We have relied on this finding to support our conclusion that the categorization processes is sufficiently robust as the basis for granting the exemptions requested from the special treatment requirements.

As we discussed with your staff, we concluded that the South Texas Project, Units 1 and 2 (STP) Final Safety Analysis Report (FSAR) is the appropriate document to describe the processes upon which we have based our findings. In your May 21, 2001, submittal, you provided a proposed new section of the STP FSAR which we found acceptable. In order for our findings to remain valid, the exemptions we have granted are conditioned such that descriptions of these processes are required to be placed in the STP FSAR and that there are controls placed over changes to those descriptions beyond those controls required by 10 CFR 50.59. Before you implement any of the exemptions granted, you are required to update the STP FSAR with the new section provided in your submittal dated May 21, 2001. The FSAR update shall be completed within 60 days of the date of this letter.

Finally, you submitted a conforming revision to your operating quality assurance program (OQAP) description consistent with the requirements of 10 CFR 50.54(a)(3) addressing changes that will result from the granting of your exemption requests. We found the revision to your OQAP to be acceptable. The revised OQAP shall be implemented within 60 days of the date of this letter.

Should you have questions regarding the exemptions granted or denied by the NRC, the OQAP approval, or on the SE, please contact Mr. Robert A. Gramm of my staff at (301) 415-1010.

Sincerely,

*/RA/*

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosures: 1. Exemptions  
2. Safety Evaluation  
3. Staff Response to Comments

cc w/encl: See next page

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September 2000

confidence that these SSCs remain capable of performing their safety-related functions under design-basis conditions. We have relied on this finding to support our conclusion that the categorization processes is sufficiently robust as the basis for granting the exemptions requested from the special treatment requirements.

As we discussed with your staff, we concluded that the South Texas Project, Units 1 and 2 (STP) Final Safety Analysis Report (FSAR) is the appropriate document to describe the processes upon which we have based our findings. In your May 21, 2001, submittal, you provided a proposed new section of the STP FSAR which we found acceptable. In order for our findings to remain valid, the exemptions we have granted are conditioned such that descriptions of these processes are required to be placed in the STP FSAR and that there are controls placed over changes to those descriptions beyond those controls required by 10 CFR 50.59. Before you implement any of the exemptions granted, you are required to update the STP FSAR with the new section provided in your submittal dated May 21, 2001. The FSAR update shall be completed within 60 days of the date of this letter.

Finally, you submitted a conforming revision to your operating quality assurance program (OQAP) description consistent with the requirements of 10 CFR 50.54(a)(3) addressing changes that will result from the granting of your exemption requests. We found the revision to your OQAP to be acceptable. The revised OQAP shall be implemented within 60 days of the date of this letter.

Should you have questions regarding the exemptions granted or denied by the NRC, the OQAP approval, or on the SE, please contact Mr. Robert A. Gramm of my staff at (301) 415-1010.

Sincerely,

**/RA/**

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosures: 1. Notices of Exemptions  
2. Safety Evaluation  
3. Staff Response to Comments

cc w/encl: See next page

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**Safety Evaluation: ML012040370**

**ACCESSION NO: ML011990368**

**Notices: ML012040470**

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EMcKenna

MMitchell

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PShemanski

RYoung

JMoore (OGC)

RHoefling (OGC)

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GHill (4)

**ENCLOSURE 1**  
**NOTICES OF EXEMPTIONS**

(ADAMS Accession No.: ML012040470)

## **ENCLOSURE 2**

### **SAFETY EVALUATION**

(ADAMS Accession No.: ML012040370)

TABLE 1

STAFF RESPONSE TO STPNOC'S INPUT REGARDING MATERIAL FACTUAL ERRORS AND OMISSIONS  
IN THE PRELIMINARY SAFETY EVALUATION (SE) FOR THE STPNOC EXEMPTIONS

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
1	2.8	10	<p>The technical requirements of replacement SSCs related to material specifications, loadings, design methodology, and stress allowables will remain consistent with the original SSC technical requirements. <u>The repair or replacement item will meet the technical requirements of the ASME Code or other nationally-recognized code, standard or specification.</u></p>	<p>The statement in the SE does not accurately characterize STP's commitment. STP may use other codes that contain a different design methodology and stress allowables than the ASME Code. STP's proposed change uses the actual language in UFSAR</p>	<p><b>Disagree. No change.</b> The staff's statement indicates that the technical requirements of the replacement SSC will be <u>consistent</u> with the "original" SSC technical requirements. [<b>"original SSC"</b> will be replaced with <b>"the technical requirements of the SSC being replaced."</b>] This does not prevent STPNOC from using alternative codes that contain different design methodologies or stress allowables, provided the resultant design requirements are consistent with the need to maintain the capability of the SSC to perform its safety functions under design basis conditions. STPNOC can employ the design change process to change technical requirements.</p> <p>Also, it should be noted that the staff's wording in the SE is consistent with Section 13.7.3.3.2, "Procurement Process," of the FSAR that states that STPNOC will maintain design inputs and assumptions (i.e., the original SSC technical requirements). The staff's wording is almost a direct quote from the licensee's exemption request dated August 31, 2000 (Attachment 1 page 22).</p>

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
					These words were not included in the licensee's FSAR because they were considered too detailed, but they were supposed to clarify the licensee's intention to the staff, and it is appropriate that they be included in the staff's SE.
2	4.2	26	STPNOC states that SSCs with medium or high safety significance will be evaluated for enhanced treatment, <u>if the SSCs are non-safety-related or if the SSCs perform a risk-significant function that is not being treated under STP's current programs.</u>	STP will not evaluate all safety-related HSS and MSS SSCs for enhanced treatment; it will only evaluate such SSCs for enhanced treatment if they perform a risk-significant function that is not being treated under STP's current programs. STP's proposed change more precisely reflects the language in UFSAR 13.7.3.1.	<p><b>Agree, clarification is needed.</b> The staff's original statement made no assumption on how the evaluation will be performed or whether STPNOC could apply screening criteria (as proposed by its addition) to determine whether further evaluation is required for enhanced treatment.</p> <p>However, to accurately reflect the licensee's statement change this sentence in this introductory paragraph to read:</p> <p><b>STPNOC indicates that enhanced treatment may be applied to SSCs with medium or high safety significance.</b></p>
3	4.3.2	34	Further, proposed FSAR Section 13.7.3.2 states that the licensee will evaluate enhanced treatment for safety-related HSS and MSS SSCs where credit is taken for risk-significant beyond-design basis functions of those SSCs <u>that are not being treated under STP's current programs,</u> using a process similar to that described for nonsafety-related HSS and MSS SSCs.	Not all risk-significant beyond-design-basis functions will be evaluated for enhanced treatment; instead only such functions that are not being treated under STP's current programs will be evaluated for enhanced treatment. STP's proposed change uses the actual language in UFSAR 13.7.3.1.	<b>Disagree. No change.</b> The staff's original statement made no assumption on how the evaluation will be performed or whether STPNOC could apply screening criteria (as proposed by its addition) to determine whether further evaluation is required for enhanced treatment.

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
					<p>In discussing the treatment for safety-related HSS and MSS SSCs, Section 13.7.3.1 of the FSAR does contain the expression “that are not being [adequately] treated under STP’s current program.” The staff reads the word “adequately” into this expression in order for it to be consistent with Section 13.7.3.2 of the licensee’s FSAR which requires that these functions and conditions be evaluated and documented (as discussed in NRC response # 2 above).</p>
4	4.3.3	35	<p>For example, STPNOC stated that validation of functionality of HSS and <del>LSS</del><u>MSS</u> SSCs (<u>safety-related SSCs for which existing special treatment does not provide the applicable level of confidence and non-safety-related SSCs</u>) will consist of a documented technical evaluation to determine what enhanced treatment, if any, is warranted for these SSCs to provide reasonable confidence that the applicable risk significant functions will be satisfied.</p>	<p>The technical evaluation will be performed for MSS SSCs, not LSS SSCs.</p> <p>This provision in the SE does not accurately characterize STP’s position. As discussed above, STP will not be performing a technical evaluation for all safety-related HSS and MSS components. STP’s proposed change uses the actual language in UFSAR 13.7.3.2.</p>	<p><b>Agree.</b> Will correct typographical error to reflect MSS.</p> <p><b>Agree.</b> Will add clarifying statement proposed by STPNOC. However, see response to comments 2 and 3 above regarding performance of technical evaluations for risk significant beyond design-basis functions.</p>
5	4.3.4.1	37	<p><del>The staff considers STPNOC’s commitment to continue to implement the design control process in accordance with 10 CFR Part 50, Appendix B, to include maintaining and applying the design inputs and assumptions for safety-related LSS and NRS SSCs to provide reasonable</del></p>	<p>STP has not agreed to maintain design inputs and assumptions. To the contrary, UFSAR 13.7.3.3.1 explicitly states that STP may make changes using the design control process in Appendix B to Part 50 and other regulatory requirements such as 10 CFR 50.59.</p>	<p><b>Disagree. No change.</b> FSAR Section 13.7.3.3.2, “Procurement Process” states that “the purpose of the procurement process for safety-related LSS and NRS SSCs is to procure replacement SSCs that satisfy the <u>design inputs and assumptions</u> [emphasis added] to support STP’s determination that these SSCs will</p>

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			confidence in the ability of these SSCs to perform their safety functions under design-basis conditions throughout their service life.		be capable of performing their safety functions under design-basis conditions.” By granting these exemptions to STPNOC, the staff is not authorizing the licensee to make design changes to components categorized as LSS or NRS. The staff has acknowledged in the SE and fully supports STPNOC's ability to change the design basis for the facilities consistent with existing regulatory controls. The exemptions to be granted and the statements in the SE do not contradict this position.
6	4.3.4.2 4.3.4.3 4.3.4.4 4.3.4.5 4.3.4.7	38 39 40 41 44	national consensus commercial standards will be used at STP <u>consistent with STP's normal commercial and industrial practices</u>	STP has not committed to use national consensus commercial standards in general. Instead, it has only committed to use the standards that it applies under its commercial practices. STP's proposed change uses the actual language from UFSAR 13.7.3.3.	<b>Disagree. No change.</b> The statement does not imply that all national consensus standards must be used. It is clear that the FSAR is the licensing basis for the exemptions to be granted.
7*	5.3	48	1. The licensee <del>shall follow</del> <u>described</u> the categorization, treatment, and oversight (evaluation and assessment) processes <del>described</del> in its submittal dated July 13, 1999, as supplemented October 14 and 22, 1999, January 26 and August 31, 2000, and January 15, 18, 23, March 19, May 8 and 21, 2001. <del>and relied upon by the staff</del> <u>The staff relied on these descriptions</u> in approving this exemption as discussed in the NRC's SE dated [to be determined]. The licensee has documented <del>these</del> <u>its</u>	STP is only committed to follow the processes as described in UFSAR 13.7, not all of the other documents referenced in the SE.	<b>Agree.</b> However, as previously discussed with STPNOC, the staff will revise the exemption condition to read:  <b>1. The licensee described the categorization, treatment, and oversight (evaluation and assessment) processes in its submittal dated July 13, 1999, as supplemented October 14 and 22, 1999, January 26 and August 31, 2000, and January 15, 18, 23, March 19, May 8 and 21, 2001. The licensee has documented these processes in a</b>

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			processes in a proposed FSAR submittal dated May 21, 2001, found acceptable by the staff as the regulatory basis for granting this exemption. The licensee shall incorporate this proposed FSAR submittal into the STP FSAR, <u>and shall follow the processes as described in the FSAR.</u>		<b>proposed FSAR submittal dated May 21, 2001, found acceptable by the staff as the regulatory basis for granting this exemption (see the NRC's SE dated August 3, 2001). The licensee shall incorporate this proposed FSAR submittal into the STP FSAR and shall implement the categorization, treatment, and oversight processes consistent with the STP FSAR descriptions.</b>
8	7.3.1	53	<del>The licensee further commits to maintain the design functions for the exempted SSCs.</del>	STP has not agreed to maintain the design functions of exempted SSCs. To the contrary, UFSAR 13.7.3.3.1 explicitly states that STP may make changes using the design control process in Appendix B to Part 50 and other regulatory requirements such as 10 CFR 50.59.	<b>Agree.</b> Make suggested change as the statement in the SE does not directly relate to the information discussed in the following sentences of the paragraph. The staff discusses design control and maintenance of functionality in other portions of the SE.
9	9.4	69	<del>Thus, the process for ensuring that these safety-related pumps and valves will remain capable of performing their safety function under design-basis conditions on an ongoing basis must include elements such as periodic testing and evaluation of test/performance data sufficient to allow STPNOC to conclude obtains data or information that allows evaluation of operating characteristics to support STP's determination that the pumps and valves will perform their safety function under design-basis conditions throughout the service life of the SSC.</del>	The statement in the SE does not accurately characterize the UFSAR. STP's proposed change uses the actual language in UFSAR 13.7.3.3.5.	<b>Disagree. No change.</b> The statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. This statement reflects, in part, the staff's basis for determining that the inspection, test, and surveillance element of the alternative treatment program proposed by STPNOC could be effectively implemented. As the staff has indicated in the SE, the NRC is relying on the sound engineering judgment of STPNOC to determine how to effectively implement the proposed alternative treatment program.

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
10	10.3.1	73	<p>The requested exemption from the requirements of 10 CFR 50.55a(g) would enable STPNOC to replace LSS and NRS ASME Class 2 and 3 components or supports with non-ASME components or supports, subject to ensuring that the <del>material specifications and the design (design loadings, design methodology, and stress allowables) are consistent with the original requirements.</del> <u>repair or replacement item will meet the technical requirements of the ASME Code or other nationally-recognized code, standard or specification.</u></p>	<p>The statement in the SE does not accurately characterize the current language in UFSAR 13.7. At the request of NRC, STP revised its proposal of 8/31/00. STP may use other codes that contain a different design methodology and stress allowables than the ASME Code. STP's proposed change to the SE uses the actual language in UFSAR Table 13.7-1.</p>	<p><b><u>Agree clarification is needed.</u></b> The staff's statement indicates that the technical requirements of the replacement SSC will be <u>consistent</u> with the "original" SSC technical requirements. <b><i>[ "original design requirements" in Section 10.4.1 will be replaced with "the design requirements of the SSC being replaced" ]</i></b> This does not prevent STPNOC from using alternative codes that contain different design methodologies or stress allowables, provided the resultant design requirements are consistent with the need to maintain the capability of the SSC to perform its safety functions under design basis conditions. STPNOC can employ the design change process to change technical requirements.</p> <p>To clarify the intent of the licensee's proposal the sentence in 10.3.1 will be modified to read:</p> <p><b><i>The requested exemption from the requirements of 10 CFR 50.55a(g) would enable STPNOC to replace LSS and NRS ASME Class 2 and 3 components or supports with non-ASME components or supports, but only as permitted by the two alternatives described in items 1 and 2 below.</i></b></p>
	10.4.1	75	<p>Regarding the repair and replacement of LSS and NRS ASME Code Class 2 and 3 components and supports, the licensee stated that the <del>design and material requirements for replacement components and supports would be consistent with the original design requirements (see Section 3.3.7.3 of Attachment 1 of the August 31, 2000, submittal).</del> <u>repair or replacement item will meet the technical requirements of the ASME Code or other nationally-recognized code, standard or specification.</u></p>		

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
11	11.5	80	The licensee's alternate treatment program requires that the <del>design bases</del> and functionality of safety-related LSS and NRS components be maintained.	STP has not agreed to maintain the design functions of exempted SSCs. To the contrary, UFSAR 13.7.3.3.1 explicitly states that STP may make changes using the design control process in Appendix B to Part 50 and other regulatory requirements such as 10 CFR 50.59.	<b>Disagree. No change.</b> The staff has acknowledged in the SE and fully supports STPNOC's ability to change the design basis for the facilities consistent with existing regulatory controls. The exemptions to be granted and the statements in the SE do not contradict this position.
12	11.5	80	the <u>capability to perform their functions under design basis environmental and seismic conditions</u> <del>qualification of components</del> (Section 4.4 of IEEE 279) would be maintained for safety-related LSS and NRS components.	NRC is granting an exemption from the environmental and seismic qualification requirements. Following the exemption, STP need not maintain the qualification of LSS and NRS components.	<b>Agree.</b> Will change the sentence as suggested by STPNOC as it clarifies the intent of sentence.
13	14.4	89	<p>Add the following as the first paragraph of this section:</p> <p><u>The staff evaluated the licensee's request for an exemption from the requirements of 10 CFR Part 50, Appendix A, GDC 2, for important to safety LSS or NRS SSCs. As described below, the staff concludes that the requirements for which an exemption has been requested are not within the scope of GDC 2. There is no apparent need for an exemption. Therefore, the STPNOC request for an exemption should not be granted.</u></p>	STP's proposed change uses essentially the same language as contained in existing SE Sections 15.4 and 16.4 as applied to GDC 4 and 18. This proposed change is needed to clearly state that special treatment requirements are not within the scope of GDC 2.	<b>Disagree.</b> The staff intentionally excluded this statement from the evaluation of the exemption request from GDC 2. It is possible within the context of the exemptions that the staff approved related to seismic qualification for a change in the design methodology to result in a design change subject to the STPNOC design control process and 10 CFR 50.59. This is not a concern with the requirements of GDC 4 and 18. As the staff has stated in the SE, the design of the facility may continue to be changed using the design control process and 10 CFR 50.59, but the exemptions granted do not include changes to facility design.

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
14*	17.1	93	In its exemption request, STPNOC submitted for staff review an exemption from 10 CFR Part 50, Appendix J, Option B, Section III.B. This request would exempt certain containment isolation valves from the Type C leakage rate test <u>and other LSS and NRS components from Type B local leak rate tests.</u>	As provided in UFSAR Table 13.7-1, STP's exemption request encompasses certain "LSS containment isolation valves <i>and other safety-related LSS or NRS components.</i> " (Emphasis added).	<b>Disagree.</b> STPNOC's submittal was not clear to the extent that the exemption was being requested from the requirements of 10 CFR Part 50, Appendix J. When informal clarification was sought by the staff, the impression the staff received from STPNOC was that the exemption was from Type C leak rate testing. Based on our understanding, the scope of the staff's review was clearly defined in the draft Safety Evaluation issued on November 15, 2000. STPNOC did not question the scope of the staff's review at that time. No change was made to the scope of the staff's review for the exemption requested from Appendix J since the draft Safety Evaluation was issued. Section 17 of the preliminary Safety Evaluation is essentially the same as Section 17 of the draft Safety Evaluation. Part of the staff's basis for granting the Type C leak rate testing exemption for containment isolation valves were the additional conditions specified by the licensee in its submittal. It is not clear that these additional conditions apply to "other safety-related LSS or NRS components," for which STPNOC has indicated it also requested exemption (Type B leak rate testing). At this time, additional staff review of the licensee's submittal to specifically evaluate the increased scope of the requested exemption would be required
17.2	94	As stated above, the licensee's request would exempt from Type C testing those containment isolation valves that satisfy a set of proposed criteria, <u>and other LSS and NRS components would be exempted from Type B local leak rate tests.</u>			
17.3	95	The licensee's proposed exemptions will revise the licensing basis only by exempting certain identified containment isolation valves from Type C testing <u>and other LSS and NRS components from Type B local leak rate tests.</u>			
17.4	96	The licensee is proposing an exemption from 10 CFR Part 50, Appendix J, Option B, Section III.B, so that certain containment isolation valves will not be Type C leak rate tested <u>and other LSS and NRS components will not be subject to Type B local leak rate tests.</u>			

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
	17.5	98	Based on these findings, the staff concluded that granting of the requested exemption from the Type C testing requirements of 10 CFR Part 50, Appendix J, Option B, Section III.B, for LSS and NRS containment isolation valves that meet the licensee's proposed criteria discussed and evaluated above, <u>and granting the requested exemption from the Type B testing requirements,</u> would pose no undue risk to public health and safety.		before the staff could determine whether the exemption from Type B leak rate testing could be granted. Due to the current status of the review, the recommendation is that after the exemption to Type C leak rate testing is granted, STPNOC provide a separate exemption request specifically related to Type B leak rate testing for other safety-related LSS or NRS components for staff evaluation.
15	18.4	103	If the catalog information specifies that <del>the item can perform its function subject to earthquake motion, as described in the design bases including seismic inputs and design load combinations</del> <u>performance characteristics for the item that satisfy the SSC's design requirements,</u> it could be used to assure functionality of the SSC during an earthquake.	The statement in the SE is not consistent with UFSAR 13.7.3.3.2. STP's proposed change uses the actual language in UFSAR 13.7.3.3.2.	<b><u>Disagree. No change.</u></b> The statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. This statement reflects, in part, the staff's basis for determining that the procurement element of the alternative treatment program proposed by STPNOC could be effectively implemented to support the requested exemption from seismic qualification requirements. As the staff has indicated in the SE, the NRC is relying on the sound engineering judgment of STPNOC to determine how to effectively implement the proposed alternative treatment program.
16	18.4	103	If the vendor catalog does not contain this level of detail, then the design seismic loads, <del>including necessary design load combinations at the location of the SSC,</del> could be provided in the procurement specification.	The statement in the SE is not consistent with UFSAR 13.7.3.3.2. There is no reason that procurement specification should contain load combinations, as long as the load itself is specified. STP's proposed change uses the actual	<b><u>Disagree. No change.</u></b> The statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. This statement reflects, in part, the staff's basis for determining that the procurement element of the alternative

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
				language in UFSAR 13.7.3.3.2.	treatment program proposed by STPNOC could be effectively implemented to support the requested exemption from seismic qualification requirements. As the staff has indicated in the SE, the NRC is relying on the sound engineering judgment of STPNOC to determine how to effectively implement the proposed alternative treatment program.
17*	18.4	104	<p>However, the STP FSAR (Section 3.10.1) contains a design requirement that seismic qualification of equipment by analysis or test is able to withstand seismic loads as a result of the SSE preceded by five OBEs without loss of function.</p>	<p>The statement in the SE does not accurately paraphrase the provisions in UFSAR 3.10.1. This Section is entitled “<i>Seismic Qualification Criteria</i>.” (Emphasis added). The Section states:</p> <p>“<i>Seismic qualification of equipment by analysis and/or tests demonstrates that the equipment is able to withstand seismic loads as a result of the Safe Shutdown Earthquake (SSE) preceded by five Operating Basis Earthquakes (OBE) without loss of function in the operating mode.</i>” (Emphasis added).</p> <p>Therefore, contrary to the statement in the SE, Section 3.10.1 of the UFSAR imposes a “seismic qualification” requirement, not a “design requirement.” Since STP is obtaining an exemption from the seismic qualification requirements, this provision in Section 3.10.1 is not applicable to items within the scope of the exemption</p>	<p><b>Disagree.</b> However, to clarify the staff’s basis for stating that there is a design requirement related to the SSE preceded by five OBEs without loss of function, the staff will add the reference to FSAR Section 3.7.3A.2, “Determination of Number of Earthquake Cycles,” for balance of plant SSCs and will add the reference to FSAR Section 3.7.3B.2, “Determination of Number of Earthquake Cycles,” for NSSS SSCs to the sentence in the SE. The last sentence of FSAR Section 3.7.3A.2 states:</p> <p>“To provide a conservative <b>design basis</b>, a minimum of ten maximum stress cycles per seismic event (<b>one SSE and five OBEs</b>) is selected.” (Emphasis added).</p> <p>The first sentence of Section 3.7.3B.2 states:</p> <p>“The <b>OBE</b> is conservatively assumed to occur <b>five times</b> over the life of the plant.” (Emphasis added).</p>

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
18	19.4	107	<p><del>Thus, this request contradicts the assumption that all LSS and NRS components should satisfy all the current design and functional requirements. As provided in Attachment 4 of STP's letter to NRC dated 1/18/01, STP has clarified "that changes in the functional capability of Class 1E equipment will be evaluated in accordance with STPNOC's design control program and process for implementing 10 CFR 50.59."</del></p>	<p>The statement in the SE does not accurately reflect STP's position.</p>	<p><b>Agree.</b> However, the staff will make the following change:</p> <p><b>As provided in Attachment 4 of STPNOC's letter to the NRC dated January 18, 2001, STPNOC clarified its intent to ensure the functional capability of replacement components.</b></p>
19	19.5	107	<p>Based on the staff's evaluation, the staff finds that the licensee's request to replace Class 1E LSS and NRS components with Non-Class 1E components, in cases where the replacement does not meet all design and functional requirements, is not consistent with the licensee's submittal and with the proposed rulemaking for the Risk-Informing Special Treatment Requirements and, <del>therefore, is not acceptable, provided that the licensee implements the change using its design control process and 10 CFR 50.59, as applicable.</del></p>	<p>The statement in the SE does not accurately reflect STP's position.</p>	<p><b>Agree clarification is needed.</b> However, to clarify the staff's position and the extent of its review the paragraph will be revised as follows:</p> <p><b><i>Based on the staff's understanding of the licensee's original request to replace Class 1E LSS and NRS components with Non-Class 1E components, in cases where the replacement does not meet all design and functional requirements, the staff found that the original request was not consistent with the proposed rulemaking for the Risk-Informing Special Treatment Requirements and, therefore, was not acceptable. As discussed in Section 4.0 of this SE, the licensee confirmed that replacement components will be procured to satisfy the design inputs and assumptions to</i></b></p>

No.	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
					<p><i>support its determination that these components will be capable of performing their safety functions under design-basis conditions. The exemptions to be granted do not change the technical (design basis) requirements for LSS or NRS SSCs. STPNOC clarified its intent in the January 18, 2001, submittal. The granting of the exemptions does not affect the licensee's option to reclassify the Class 1E component to a Non-Class 1E component after performing a design change that includes a review per the requirement identified in 10 CFR 50.59 to determine that it does not require prior NRC approval.</i></p>

Note: Items marked with an asterisk (\*) significantly affect the scope of the exemption or the actions that STP is required to implement under the exemption. STP believes that correction of these items is vital.

TABLE 2

STAFF RESPONSE TO STPNOC'S INPUT REGARDING OTHER FACTUAL ERRORS AND OMISSIONS  
IN THE PRELIMINARY SAFETY EVALUATION (SE) FOR THE STPNOC EXEMPTIONS

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
1	2.8	10	STPNOC is requesting exemptions from the requirements of Section XI of the American Society of Mechanical Engineers (ASME) <i>Boiler and Pressure Vessel Code</i> (Code), for repair and replacement of ASME Code Class 2 and 3 safety-related LSS and NRS SSCs required under 10 CFR 50.55a(f) and (g).	Repair and replacement is governed by 10 CFR 50.55a(g), not 50.55a(f).	<u>Agree.</u> Will correct.
2	2.9	11	<del>STPNOC relies on NRC's approval of the exemption as serving the same purpose as 10 CFR 50.59, the categorization of the SSCs as an equivalent evaluation of the safety significance of the SSCs and as such the evaluation required by 10 CFR 50.59 would be redundant.</del>	STP's proposed change more accurately paraphrases the bases for STP's exemption request, as stated in STP's 8/31/00 Exemption Request, Attachment 1, p. 60, and Attachment 2, p. 5.	<u>Agree.</u> However, the staff's original statement is a broadening of the basis upon which STPNOC relied upon to support the NRC's review and approval of the exemption requested from 10 CFR 50.59. Therefore, no change is necessary.
3	2.10	12	<del>As discussed further in Section 19.0 of this SE, based on the staff's evaluation, the staff finds that the licensee's request to replace Class 1E LSS and NRS components with Non-Class 1E components, in cases where the replacement does not meet all design and functional requirements, is not consistent with the licensee's submittal and with the proposed rulemaking for</del>	As discussed below with respect to SE 19.4, the SE does not accurately characterize STP's position, as provided in Attachment 4 of STP's letter to NRC dated 1/18/01.	<u>Agree, clarification is needed.</u> However, to clarify the staff's position and the extent of its review the paragraph will be revised as follows:  <b><i>As discussed further in Section 19.0 of this SE, based on the staff's understanding of the licensee's original request to replace Class 1E LSS and NRS components with Non-Class 1E components, in cases where</i></b>

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			<p><del>the Risk-Informing Special Treatment Requirements and, therefore, is not acceptable. The . . .</del></p>		<p><i>the replacement does not meet all design and functional requirements, the staff found that the original request was not consistent with the proposed rulemaking for the Risk-Informing Special Treatment Requirements and, therefore, was not acceptable. As discussed in Section 4.0 of this SE, the licensee confirmed that replacement components will be procured to satisfy the design inputs and assumptions to support its determination that these components will be capable of performing their safety functions under design-basis conditions. The exemptions to be granted do not change the technical (design basis) requirements for LSS or NRS SSCs. STPNOC clarified its intent in the January 18, 2001, submittal. The granting of the exemptions does not affect the licensee's option to reclassify the Class 1E component to a Non-Class 1E component after performing a design change that includes a review per the requirement identified in 10 CFR 50.59 to determine that it does not require prior NRC approval.</i></p>

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
4	3.2.2.1.1	15	The guideline values used in STPNOC's categorization process (see Section 13.7.2.3 of the May 21, 2001, proposed FSAR Section) are contained in the following table where HSS, <u>MSS</u> , and LSS designation is used for the groupings relative to the exemption request.	STP's proposed change more completely characterizes the table, which also addresses MSS components.	<b>Agree.</b> Will add reference to MSS for completeness.
5	3.2.2.1.2	16	The results of the licensee's sensitivity study showed that the overall plant CDF increased from the current CDF of 9.087E-6/year to about <del>9.323</del> <u>9.159</u> E-6/year, an increase of about <del>2.45E-7</del> <u>8.09E-8</u> /year or about <del>2.7</del> <u>0.9</u> percent. The LERF increased from 1.374E-7/year to <del>1.394</del> <u>1.381</u> E-7/year, an increase of about <del>1.7E-9</del> <u>6.4E-10</u> /year or about <del>1.2</del> <u>0.5</u> percent.	STP's proposed changes reflect the updated numbers provided in its 5/8/01 response to Open Item 3.4.	<b>Agree.</b> While the proposed changes have no impact on the staff's assessment and the staff recognizes that as the sensitivity studies are reperformed throughout the remaining life of the facility these values will change, to reflect the latest information provided to the NRC, the proposed changes will be made.
6	3.2.2.3	22	<del>(1) the risk ranking methodology approved for use at STP in support of its relief request to use a risk-informed inservice inspection (RI-ISI) program (see ADAMS Accession No. ML003749167) based on the NRC-endorsed EPRI risk-informed inservice inspection (RI-ISI) methodology</del>	NRC has not yet approved the RI-ISI relief request for Class 2 components. STP's proposed change uses the actual language from UFSAR 13.7.2.5.	<b>Disagree. No change.</b> The staff has indeed endorsed the generic EPRI methodology in support of the Risk-Informed ISI program. However, the staff has yet to approve the application of the methodology for the approval for STPNOC RI-ISI relief request for Class 2 components. The staff has approved the application of the methodology for STPNOC's RI-ISI relief request for Class 1 components.  The current words in the SE addresses the STPNOC-specific situation. The proposed change only addresses the staff

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
					approval of the generic methodology. Therefore, we consider the current words to be more precise for STPNOC. See the referenced ADAMS Accession number.
7	3.2.2.4	23-24	With respect to maintaining safety margins when plant SSCs are categorized, the licensee reported that the <del>categorization process does not allow</del> for changes in the design or function of SSCs (i.e., setpoints, procedures) <u>will not be changed by the exemption.</u>	The categorization process does allow for and account for design changes. STP's proposed change more accurately reflects the actual language in UFSAR 13.7.2.6.	<b>Agree.</b> Will revise the sentence to read:  <b>With respect to maintaining safety margins when plant SSCs are categorized, the licensee reported that the design or function of SSCs (i.e., setpoints, procedures) will not be changed by the exemptions.</b>
8	4.1	26	STPNOC states that safety-related SSCs classified as HSS or MSS will continue to receive treatment required by the NRC regulations, and <del>will be evaluated</del> for risk-significant functions to identify any functions not being treated under its current programs <u>will be evaluated for enhanced treatment.</u>	STP's proposed change more precisely reflects the language in UFSAR 13.7.3.1.	<b>Disagree. No change.</b> The staff's original statement made no assumption on how the evaluation will be performed.
9	4.3	32	Specifically, the licensee will apply (1) the current special treatment requirements to safety-related HSS and MSS SSCs, and <del>evaluate their risk-significant functions to identify any functions</del> not being adequately treated under its current programs <u>will be evaluated for enhanced treatment</u>	STP's proposed change more precisely reflects the language in UFSAR 13.7.3.1.	<b>Disagree. No change.</b> The staff's original statement made no assumption on how the evaluation will be performed.
10	4.3.4	35	Further, the licensee stated that if <u>the exemption[s]</u> will not change any design or functional requirements in the STP FSAR or TSs.	STP may change the design and functional requirements using established change control processes; however, no such changes are being proposed as part of the exemption itself.	<b>Agree.</b> Proposed change clarifies that the exemptions will not result in changes to design or functional requirements as a result of the exemptions

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
11	4.3.4.1	38	... <del>original</del> item <u>being replaced</u> ...	In some cases, the item in question may not be the item originally installed in the plant, but instead may be an item that itself was replaced to different criteria.	<p><b>Agree in some cases.</b> In those cases where the SE discusses design requirements it will be clarified that the staff is referring to the design of the item being replaced. The SE will be revised as suggested for the following sections:</p> <p>10.3.1 (both changes), 10.4.1 (both changes), 11.3, 15.3 (first change), and 16.3 (first change).</p> <p>In addition, the SE will be changed as follows based on STPNOC's comments:</p> <p>15.3 and 16.3 (second change)</p> <p><b>"Included within the original design basis is the requirement that SSCs shall be designed to ...."</b></p> <p>16.4</p> <p><b>"The licensee has stated indicated that safety-related LSS and NRS SSCs would be designed to satisfy original STP design basis requirements."</b></p> <p>In those cases were the SE discusses original component and replacement components, or is quoting from a specific submittal, it is clear what the staff meant and no changes are required. Therefore the recommended changes will not be</p>
	8.2	62	... <del>original</del> item <u>being replaced</u> ...		
	8.4	64	... <del>original</del> SSC <u>being replaced</u> ...		
	8.4	65	... <del>original</del> SSC <u>being replaced</u> ...		
	8.4	65	... <del>original</del> component <u>being replaced</u> ...		
	10.3.1	73	... <del>original</del> requirements <u>of the item being replaced</u> ...		
	10.3.1	73	... <del>original</del> design code <u>of the item being replaced</u> ...		
	10.4.1	75	... <del>original</del> design requirement <u>of the item being replaced</u> ...		
	10.4.1	75	... <del>original</del> item <u>being replaced</u> ...		
	11.3	77	... <del>original</del> design requirement <u>of the item being replaced</u> ...		
	15.3	90	... <del>original</del> design requirement <u>of the item being replaced</u> ...		
	15.3	90	... <del>original</del> design <u>of the item being replaced</u> ...		
	16.3	92	... <del>original</del> design requirement <u>of the item being replaced</u> ...		

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
	16.3	92	... <del>original</del> design <u>of the item being replaced</u> ...		made to sections 4.3.4.1, 8.2, 8.4 (3 proposed changes), and 18.4 (2 proposed changes).
	16.4	92	... <del>original</del> design requirement <u>of the item being replaced</u> ...		
	18.4	103	... <del>original</del> item <u>being replaced</u> ...		
	18.4	104	... <del>original</del> component <u>being replaced</u> ...		
12	4.3.4.7	43	The current staff endorsed guidelines, prepared by the Nuclear Energy Institute (NEI), state that documentation (such as NRC generic communications) pertinent to the change in commitment, should be reviewed to understand the safety basis of the commitments and to determine if the SSC would remain capable of performing its safety function(s). <u>The NEI guidelines further state that such changes are significant to safety and may require prior NRC approval only if they involve a significant hazards consideration.</u>	The SE could be misinterpreted as implying that changes that affect a safety function require prior NRC approval. STP's proposed change more accurately characterizes the NEI guidance and avoids the potential for misunderstanding regarding the types of changes that require prior NRC approval.	<b>Disagree. No change.</b> The statement being proposed by the licensee has no bearing on the staff's evaluation of the Management and Oversight process. Should questions arise during future NRC oversight activities regarding this issue, the NRC would refer to the industry guidance endorsed at the time the safety evaluation was issued.
13	7.4.4	59	All changes to the OQAP that supplement and complete this exemption request should be submitted to the staff pursuant to the requirements of 10 CFR 50.54(a)(3). As discussed in Section 7.4.5, the staff has determined that STP's proposed OQAP changes are consistent with this exemption; therefore, formal	This change is needed to clarify that STP's formal submission of the OQAP changes for the exemption will not require any additional NRC approval.	<b>Disagree. No change.</b> Section 7.4.5 of the safety evaluation documents the staff's review and acceptance of the proposed revision to the OQAP. This approval will be noted in the cover letter transmitting the final safety evaluation and exemption requests when the exemptions are granted.

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			submission of these changes will not require any further NRC approval under 10 CFR 50.54(a)(3).		
14	8.4	64	provided that the vendor documentation specifies <del>that the item can perform its function subject to design-basis conditions</del> <u>performance characteristics for the item that satisfy the SSC's design requirements</u>	The SE does not accurately reflect the UFSAR, and contains provisions that do not reflect the type of information contained in vendor document. Vendor documentation, such as vendor catalogs, will not specifically discuss STP's design basis. Furthermore, STP's proposed change uses the actual language in UFSAR 13.7.3.3.2.	<b>Disagree. No change.</b> The statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. This statement reflects, in part, the staff's basis for determining that the procurement element of the alternative treatment program proposed by STPNOC could be effectively implemented. As the staff has indicated in the SE, the NRC is relying on the sound engineering judgment of STPNOC to determine how to effectively implement the proposed alternative treatment program.
15	8.4	64	The section entitled Equivalency Evaluation refers to "identical" components in four separate sentences. Instead, it should refer to "equivalent" components.	Use of the term "equivalent" is more appropriate than "identical," because an identical component would be fully qualified and would not require an exemption. Furthermore, STP's proposed change uses the actual language in UFSAR 13.7.3.3.2, which refers to "equivalent" components.	<b>Disagree. No change.</b> On page 65 of the safety evaluation under Section 8.4 the staff clearly indicates that for identical components the "like-for-like" replacement definition in EPRI report NP-6406 is acceptable.
16	8.4	65	However, technical analysis <u>which is based on one or more engineering methods that include, as necessary, in combination with necessary supporting test data and or other relevant information</u> as described in Section 13.7.3.3 of the licensee's proposed FSAR Section dated May 21, 2001, can be used to demonstrate that the	Technical analyses do not necessarily require test data. STP's proposed change uses the actual language in UFSAR 13.7.3.3.2.	<b>Disagree. No change.</b> As written by the staff the sentence does not require test data. Further, the statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. Test data is only necessary to the extent required to support the assessment of the differences on the impact on the component's functionality.

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			differences in design or materials would not impact the component's functionality when subjected to a design-basis event.		
17	8.4	66	Based on information presented in Attachment 4 of the January 23, 2001, letter, and proposed FSAR Section 13.7.3.3.2, "Procurement Process," dated May 21, 2001, the staff determined that the documentation of the implementation of the above five STP proposed methods for qualification of components is maintained through implementation of the licensee's design and procurement processes.	STP is obtaining an exemption from the qualification requirements. The five methods are in lieu of qualification.	<b>Agree.</b> Will make proposed change.
18	8.5	67	The categorization process relies, in part, on <del>the ability of these SSCs to perform their safety functions during design-basis events.</del> <u>the importance of the system function supported by the component.</u>	The statement in the SE does not accurately characterize STP's process. STP's proposed change uses the actual language in UFSAR 13.7.2.4.	<b>Agree.</b> However, the statement in the SE is not intended to reflect the STPNOC commitment as described in the FSAR. The staff's position is that the categorization process is acceptable provided that the LSS and NRS SSCs remain in the plant (subject to design change) and are capable of performing its design safety functions. This is a fundamental premise of RIP50 Option 2. To clarify the staff's position, this sentence will be rewritten as follows:  <b>"The staff's assessment of the categorization process relies, in part, on the assumed ability of these SSCs to perform their safety functions during design basis events."</b>



No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			documentation.		
21	10.3.1	74	Regardless of which alternative is selected, the boundary (e.g., welds) between HSS/MSS ASME and the LSS/NRS portion of the system will continue to comply with the most limiting applicable code requirements for the associated boundary.	Insertion of the term "ASME" in this place in this sentence appears to be a typographical error and could be misleading since LSS/NRS is not similarly qualified.	<b>Agree.</b> Will correct the typographical error.
22	10.4.1 (3 places) 10.4.2	75 76	... Section 3-5 <u>3.2</u> ...	There is no Section 3.5. STPNOC assumes that the NRC intends to refer to Section 3.2.	<b>Agree.</b> Will correct the reference to Section 3.2.2.3 of the SE.
23	12.4	83	The NEI process states that documentation (such as NRC generic communications) pertinent to the change in commitment, should be reviewed to understand the safety basis of the commitments and to determine if the SSC would remain capable of performing its safety function(s). <u>The NEI guidelines further state that such changes are significant to safety and may require prior NRC approval only if they involve a significant hazards consideration.</u>	The SE could be misinterpreted as implying that changes that affect a safety function require prior NRC approval. STP's proposed language is needed to completely characterize the NEI guidance and avoid the potential for misunderstanding regarding the types of changes that require prior NRC approval.	<b>Disagree. No change.</b> The statement being proposed by the licensee has no bearing on the staff's evaluation. Should questions arise during future NRC oversight activities regarding this issue, the NRC would refer to the industry guidance endorsed at the time the SE was issued.
24	14.4	89	In three places, this section refers to "safety-related" when it should refer to "important to safety."	GDC 2 and STP's exemption request use the term "important to safety," not "safety-related."	<b>Agree.</b> Will change "safety-related" to "important to safety" to be consistent with rule language.
25	19.1	105	STPNOC, in Section 4.1.2.1 of Attachment 1 of its August 31, 2000, submittal, <u>requested an exemption to allow replacement of existing Class 1E LSS and NRS components with</u>	This change is needed to fully and accurately characterize STP's submittal.	<b>Agree.</b> Will incorporate the suggested phrase to accurately reflect STPNOC's exemption request. It is important to note however, that this phrase was not included in the draft or preliminary SEs

No	SE Sec	SE Pg	STP's Proposed Change to Statement in the SE	Reason for Proposed Change	Staff Response
			<p><u>commercial components that meet the applicable design and functional requirements; the replacement components would continue to be classified as Class 1E. The submittal also</u> stated, without further explanation, that for those LSS and NRS safety-related components that do not meet all design and functional requirements, it proposes to replace Class 1E LSS or NRS components with Non-Class 1E components or install a fully qualified Class 1E component. If a Non-Class 1E component is used, the component will be isolated from the Class 1E circuitry and proper separation would be maintained downstream of the isolation device(s).</p>		<p>because STPNOC's submittal did not identify what regulation it was seeking an exemption from to allow the change it had requested.</p>
26	19.2	105 - 106	<p>STPNOC has not identified any specific regulation that is applicable for <u>this such a change in treatment design and functional requirements</u>. However, since the licensee proposes to change the classification of a component from safety-related to nonsafety-related or from Class 1E to Non-Class 1E, the staff believes that the licensee is required to perform a design change that includes a review per the requirement identified in 10 CFR 50.59 to determine that the proposed change(s) does not require prior NRC review and approval.</p>	<p>This change is needed to accurately characterize STP's submittal. STP was not proposing to make any changes in design and functional requirements or classification as part of the exemption. Instead, STP was identifying the steps it would take if it could not use the exemption to procure a commercial replacement component that satisfied the design and functional requirements.</p>	<p><b>Agree.</b> Will make suggested change to accurately reflect that changes to design and functional requirements were not within the scope of the requested exemption.</p>