

December 19, 2007

Mr. Mark McBurnett, Vice President  
Regulatory Affairs  
South Texas Project Nuclear Operating Company  
P.O. Box 289  
Wadsworth, TX 77483

SUBJECT: FEDERAL REGISTER NOTICE REGARDING OPPORTUNITY TO PETITION FOR  
LEAVE TO INTERVENE - SOUTH TEXAS PROJECT UNITS 3 AND 4

Dear Mr. McBurnett:

By letter dated November 29, 2007, the U.S. Nuclear Regulatory Commission informed you that we had docketed your combined license application for South Texas Project Units 3 and 4. In that letter we also informed you that a notice would be published, in accordance with the provisions of 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the mandatory hearing required for this application.

Enclosed is a copy of that notice. The notice is being forwarded to the Office of the Federal Register for publication. Should you have any questions, I can be reached at (301) 415-1494 or [gfw@nrc.gov](mailto:gfw@nrc.gov).

Sincerely,

**/RA/**

George F. Wunder, Senior Project Manager  
ESBWR/ABWR Projects Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos. 52-012  
52-013

Enclosure:  
As stated

cc w/encl: See next page

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NAME	GWunder	SGreen	MGartman	SBrock
DATE	12/18/2007	12/18/2007	12/6/2007	12/7/2007
OFFICE	DD:DNRL	D:DNRL		
NAME	TBergman (JGolder)	DMatthews (DMatthews for)		
DATE	12/15/07	12/17/07		

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U.S. NUCLEAR REGULATORY COMMISSION  
SOUTH TEXAS PROJECT NUCLEAR OPERATING COMPANY  
NOTICE OF HEARING AND OPPORTUNITY TO PETITION FOR LEAVE TO INTERVENE  
ON A COMBINED LICENSE FOR THE SOUTH TEXAS PROJECT UNITS 3 AND 4  
DOCKET NOS. 52-012 AND 52-013

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," and 10 CFR Part 52, "Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing will consider the application dated September 20, 2007, filed by South Texas Project Nuclear Operating Company, pursuant to Subpart C of 10 CFR Part 52 for a combined license (COL). The application, which was supplemented by letters dated September 26, 2007, October 15, 2007, October 18, 2007, November 8, 2007, November 12, 2007, November 13, 2007, and November 21, 2007, requests approval of a COL for South Texas Project Units 3 and 4 located in Matagorda County, Texas. The application was accepted for docketing on November 29, 2007. The docket numbers established for this application are 52-012 and 52-013.

The hearing will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or by the Commission. Notice as to the membership of the Board will be published in the *Federal Register* at a later date. The NRC staff will complete a detailed technical review of the application and will document its findings in a safety

evaluation report (SER). The Commission will refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, "Referral to the Advisory Committee on Reactor Safeguards (ACRS)," and the ACRS will report on those portions of the application that concern safety.

Any person whose interest may be affected by this proceeding and desire to participate as a party to this proceeding, must file a written petition for leave to intervene in accordance with 10 CFR 2.309.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which was promulgated by the NRC on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding even in instances in which the petitioner/requestor (or its counsel or representative) already holds a NRC-issued digital ID certificate. Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a

digital ID certificate is available on NRC's public website at

<http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Standard Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Standard Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention:

Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filing must be submitted no later than 11:59 p.m. Eastern Standard Time on the due date.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in the filing. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filing and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice in the *Federal Register*. Non-timely filings will not be entertained absent a determination by the Commission, or Board designated to rule on the petition, pursuant to the requirements of 10 CFR 2.309(c)(1)(i)-(viii).

A person who is not a party may be permitted to make a limited appearance by making

an oral or written statement of his position on the issues at any session of the hearing or any pre-hearing conference within the limits and conditions fixed by the presiding officer, but may not otherwise participate in the proceeding.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>. The ADAMS accession number for the application is ML072830407. The ADAMS accession numbers for the supplements to the application are ML072740461, ML072960352, ML072960489, ML073190645, ML073340618, ML073200992, and ML073310616. Some of the supplements contain information that is sensitive and these supplements are not available to the public.

Dated at Rockville, Maryland, this 19<sup>th</sup> day of December 2007.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Annette L. Vietti-Cook,  
Secretary of the Commission.

Dated at Rockville, Maryland, this 19<sup>th</sup> day of December 2007.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

Annette L. Vietti-Cook,  
Secretary of the Commission.

Adams Accession No: ML073390202

OFFICE	PM:DNRL	LA:DNRL	BC:DNRL	OGC	DD:DNRL
NAME	GWunder	SGreen	MGartman	SBrock	TBergman (JGolder for)
DATE	12/18/07	12/18/07	12/6/07	12/11/07	12/13/07
OFFICE	D:DNRL	OD:NRO	SECY		
NAME	DMatthews	WBorchardt (DMatthews for)	A Vietti-Cook		
DATE	12/17/07	12/17/07	12/ 19 /07		

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COL STP Nuclear - South Texas Mailing List

cc:

Mr. Brian Almon  
Public Utility Commission  
William B. Travis Building  
PO Box 13326  
1701 North Congress Avenue  
Austin, TX 78701-3326

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

C. M. Canady  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

W. Craig Conklin, Director  
Chemical and Nuclear Preparedness &  
Protection Division (CNPPD)  
Office of Infrastructure Protection  
Department of Homeland Security  
Washington, DC 20528

Director  
Division of Compliance & Inspection  
Bureau of Radiation Control  
Texas Department of State Health Services  
1100 West 49th Street  
Austin, TX 78756-3189

Mr. Ted Enos  
4200 South Hulen  
Suite 630  
Ft. Worth, TX 76109

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Ms. Susan M. Jablonski  
Office of Permitting, Remediation  
and Registration  
Texas Comm. on Env. Quality  
MC-122  
P.O. Box 13087  
Austin, TX 78711-3087

Judge  
Matagorda County  
Matagorda County Courthouse  
1700 Seventh Street  
Bay City, TX 77414

C. Kierksey  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

M. A. McBurnett  
Manager, Nuclear Safety Assurance  
STP Nuclear Operating Company  
P.O. Box 289, Mail Code N5014  
Wadsworth, TX 77483

Mr. Terry Parks  
Chief Inspector  
Texas Department of Licensing  
and Regulation  
Boiler Division  
P.O. Box 12157  
Austin, TX 78711

Policy Director  
Environmental and Natural Resources  
P. O. Box 12428  
Austin, TX 78711-3189

Mr. Frank M. Quinn  
8 Oak Avenue  
Gaithersburg, MD 20877-2705

Vanessa E. Quinn, Acting Director  
Technological Hazards Division  
National Preparedness Directorate  
Federal Emergency Management Agency  
500 C Street, NW  
Washington, DC 20472

Regional Administrator  
Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive  
Suite 400  
Arlington, TX 76011-8064

J. J. Sheppard  
President & CEO  
STP Nuclear Operating Company  
P.O. Box 289  
Wadsworth, TX 77483

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Mr. Steve Winn  
NRG Texas LLC  
1301 McKinney, Suite 2300  
Houston, TX 77010

Mr. Jon C. Wood  
Cox, Smith, & Matthews  
112 East Pecan, Suite 1800  
San Antonio, TX 78205

Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bennettS2@bv.com (Steve A. Bennett)  
bob.brown@ge.com (Robert E. Brown)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
chris.maslak@ge.com (Chris Maslak)  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
dlochbaum@UCSUSA.org (David Lochbaum)  
dwoodla1@txu.com (Donald Woodlan)  
erg-xl@cox.net (Eddie R. Grant)  
frankq@hursttech.com (Frank Quinn)  
george.stramback@gene.ge.com (George Stramback)  
greshaja@westinghouse.com (James Gresham)  
gzinke@entergy.com (George Alan Zinke)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
john.o'neil@pillsburylaw.com (John O'Neil)  
Joseph.savage@ge.com (Joseph Savage)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lynchs@gao.gov (Sarah Lynch - Meeting Notices Only)  
Margaret.Bennet@dom.com (Margaret Bennet)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
mike\_moran@fpl.com (Mike Moran)  
nirsnet@nirs.org (Michael Mariotte)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
phinnen@entergy.com (Paul Hinnenkamp)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
roberta.swain@ge.com (Roberta Swain)  
ronald.hagen@eia.doe.gov (Ronald Hagen)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekle)  
tom.miller@hq.doe.gov (Tom Miller)  
VictorB@bv.com (Bill Victor)  
waraksre@westinghouse.com (Rosemarie E. Waraks)  
wayne.marquino@ge.com (Wayne Marquino)