

November 5, 2007

MEMORANDUM TO: Michael R. Gartman, Chief  
ESBWR/ABWR Projects Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

FROM: Kevin Williams, Chief /RA/  
Licensing and Inspection Branch  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

SUBJECT: ACCEPTANCE REVIEW RESULTS FOR SOUTH TEXAS PROJECT,  
UNITS 3 AND 4 COMBINED LICENSE APPLICATION (TAC NO.  
MD6848, RA0170, RA0171)

The Licensing and Inspection Branch (LIB), in coordination with the Federal Emergency Management Agency (FEMA), has completed its acceptance review of the South Texas Project (STP), Units 3 and 4 Combined License application (COLA) submitted by STP Nuclear Operating Company (STPNOC). This review covered the following COLA Parts and Final Safety Analysis Report (FSAR) Sections for which LIB has primary review responsibilities and, in addition, applicable interface documentation referenced in the FSAR:

- COLA Part 2 - FSAR (Tier 2) Section 13.3 which refers to COLA Part 5
- COLA Part 5, which included State and local government emergency plans and an evacuation time estimate (ETE)
- COLA Part 2 - FSAR (Tier 2) Section 14.3 which refers to Section 14.3S and COLA Part 9, Section 9.4 (Emergency Planning ITAAC)
- Referenced documentation
  - ABWR Design Control Document (DCD) Tier 1/2, Revision #4 (revision incorporated in Appendix A to 10 CFR Part 52); Tier 2 Sections 13.3, 14.3 (Tables 14.3-9 and 14.3-10)
  - Technical / Topical Reports: None

Completeness and Sufficiency

The LIB has concluded that the application contains the information required by Regulations, and that the submitted information involving onsite emergency planning (EP) is technically sufficient for LIB to commence the South Texas Project, Units 3 and 4 COLA detailed technical review. Enclosure 1 lists the Acceptance Review results including reference to FEMA's Acceptance Review results.

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By letter dated October 25, 2007, the LIB received the results of FEMA's acceptance review of the offsite emergency planning information (Enclosure 2). FEMA indicated that in order to effectively support Phase 1 of the Safety Review, FEMA needs additional information identified as missing or needing clarification from that which was provided in the initial application.

Therefore, FEMA's acceptance is conditional on receiving the additional information identified in the enclosure to FEMA's letter. On October 9, 2007, FEMA identified that some information related to offsite emergency plans was missing. The applicant, by letter dated October 18, 2007, provided to the NRC supplemental information, titled "Annex W – Fixed Nuclear Facilities Response to the emergency Management Plan for Matagorda County, Bay City and Palacios" and sequenced as COLA Part 5.5.1. This supplemental information appears to be some of the information FEMA had identified as missing. As of October 26, 2007, this supplemental information had not been made available to LIB for transmittal to FEMA. Therefore, this supplemental material was not considered as part of the Acceptance Review.

Based on LIB's review of the initial application material, and in consideration of FEMA's conditional acceptance of the application material, LIB finds the application 'Technically Sufficient' for Acceptance. The estimates for the detailed technical review of the South Texas Project, Units 3 and 4 COLA SRP Sections by LIB and FEMA and the resource plan are generally consistent with the pre-baseline EPM schedule information, and no changes to the pre-baseline information is proposed at this time. The SRP sections with which LIB is concerned are 13.3 and 14.3.10.

#### Review Dependencies

LIB's detailed technical review of the South Texas Project, Units 3 and 4 COLA is independent of other ongoing application reviews by the staff.

- Enclosures:
1. Table 1: Safety Analysis Report Acceptance Review Results for STP Nuclear Operating Company (STPNOC) [ABWR] [COL]
  2. FEMA Letter Dated October 25, 2007, on Offsite Emergency Planning Acceptance Review Results

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ADAMS Accession No.: ML072970599 (Package)

\*Previous concurrences

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DATE	10/30/07	10/31/07	11/05 /07

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**Table 1: Safety Analysis Report Acceptance Review Results for STP Nuclear Operating Company (STPNOC) [ABWR] [COL]**

FSAR Chapter 13, Section 13.3 (COLA Part 5); Technical Branch: LIB (Primary); Technical Reviewer: Prosanta Chowdhury  
 Branch Chief: Kevin Williams SRP Sections: 13.3 Date: 10-30-2007

Does the section address the applicable regulations: **YES**

Are there any technical deficiencies, changes in planning assumptions, or dependencies on concurrent reviews? **YES**, Identify specific review area/topic in table below.

1. Review Area/Topic*	Completeness and Technical Sufficiency Which Form Basis for Acceptability for Docketing					Changes to Planning Assumptions to be Considered in Development of Baseline Review Schedule			Review Dependencies Among Concurrent Reviews	
	2. Does COL section address the items required by regulation (refer to RG 1.206, Section C.IV.1)? (Yes/No)	3. Is COL section technically sufficient for this review area/ topic? (yes/no)**	4. Can the technical deficiency be resolved through the RAI process? (yes/no)***	5. If no, for either completeness or technical sufficiency, identify deficiency(ies). This information will be needed for technical review.	6. Is the identified technical deficiency related to a risk-significant SSC? (yes/no)****	7. Are the pre-baseline review schedule and estimated staff-hours appropriate? (yes/no)	8. For each no, identify the change (or basis for change).	9. Identify the total review time in staff-hours*****	10. Can the review of the area/topic be completed without the completion of a concurrent review? (yes/no)	11. For each no, identify which application (DCD or COLA) and section.
Inclusion of State and local government emergency response plans in COLA [10 CFR 50.33(g), 52.77]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Emergency plans (comprehensive) complying with requirements of 10 CFR 50.47 and 10 CFR Part 50, Appendix E [10 CFR 52.79(a)(21)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A

Compliance with site characteristics requirements (Exclusion Area, LPZ, Significant Impediments, etc.) [10 CFR Part 100, 10 CFR 100.21(g)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Emergency plan certifications from State and local governments [10 CFR 52.79(a)(22)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Review of submitted State and local government emergency plans by FEMA	Yes <sup>1</sup>	No	Yes	State and local emergency planning information is missing or needs clarification (see Footer 1)	No	Yes (but see Footer 1)	None (but see Footer 1)	None (see Footer 1)	No (see Footer 1)	COLA, Section 13.3
Proposed Technical resolutions for applicable generic/unresolved (emergency planning) safety issues [10 CFR 52.79(a)(20)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Compliance with TMI-related requirements in paragraphs 10 CFR 50.34(f) [10 CFR 52.79(a)(20)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A

<sup>1</sup> FEMA's acceptance is conditioned on receiving the additional information identified in FEMA's letter (see Enclosure 2 to this memo). On October 9, 2007, FEMA identified that some information related to offsite emergency plans was missing. The applicant, by letter dated October 18, 2007, provided to the NRC supplemental information, titled "Annex W – Fixed Nuclear Facilities Response to the Emergency Management Plan for Matagorda County, Bay City and Palacios" and sequenced as COLA Part 5.5.1. This supplemental information appears to be some of the information FEMA had identified as missing. As of October 26, 2007, this supplemental information had not been made available to LIB for transmittal to FEMA. Therefore, this supplemental material was not considered as part of the Acceptance Review.

Evaluation of the facility against SRP [10 CFR 52.79(a)(4)]	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A	
Operational Program Implementation – Emergency Planning (10 CFR 50.47, 10 CFR Part 50, Appendix E) [SECY-05-0197]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Identification of proprietary, sensitive, or safeguards information [10 CFR 2.390]	Yes, but none identified for EP	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Emergency classification levels (ECL) and emergency action levels (EAL) for proposed units [10 CFR 50.47(b)(4)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
An evacuation time estimate (ETE) for plume exposure pathway EPZ	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A

\*Review Area/Topic: Item identified in RG 1.206 or the regulations; for a COLA referencing a DC, this includes COL information items and departures from the design certification.

\*\*Technical Sufficiency: The application is compared against the SRP acceptance criteria. Note: New safety features, alternate regulatory compliance approaches, and/or deviations from DCs, should not be treated as deficiencies and factored into the basis for rejecting the application, unless staff determines that there is insufficient technical information associated with the respective item. These items are factored into confirmation of planning assumptions.

\*\*\*Significant deficiencies are those review areas/topics which impact the staff's ability to begin the detailed technical review or complete its review within a predictable timeframe.

\*\*\*\*DSRA will provide risk significance information at time of review, if available.

\*\*\*\*\*Identification of new review time is on a FSAR section basis and consistent with the review phases within the EPM. Changes from the pre-baseline review schedule and estimated hours should be on that basis.

**Table 1: Safety Analysis Report Acceptance Review Results for STP Nuclear Operating Company (STPNOC) [ABWR] [COL]**

FSAR Chapter 14, Section 14.3.10 (COLA Part 9); Technical Branch: LIB (Primary) Technical Reviewer: Prosanta Chowdhury

Branch Chief: Kevin Williams SRP Sections: 14.3.10

Date: 10-30-2007

Does the section address the applicable regulations: **YES**

Are there any technical deficiencies, changes in planning assumptions, or dependencies on concurrent reviews? **NO**, Identify specific review area/topic in table below.

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Inclusion of proposed EP-ITAAC [10 CFR 52.80(a)]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Consistency of proposed EP-ITAAC with those in Reg. Guide 1.206 or NUREG-0800 (SRP) [RG 1.206, C.I.14.3]	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A
Conformance of proposed EP-ITAAC with those in certified design	Yes	Yes	N/A	N/A	N/A	Yes	N/A	N/A	Yes	N/A

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