



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

December 18, 2008
U7-C-STP-NRC-080075

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project
Units 3 and 4
Docket No. 52-012 and 52-013
Revision to Due Diligence Report Direct References Matrix

Reference: Letter, G. T. Gibson to NRC, "Qualifications Assessment of Toshiba Corporation," dated August 19, 2008 (ABR-AE-08000066)

The referenced letter provided the NRC with an information copy of the Toshiba Capabilities Assessment Program (TCAP) and Due Diligence Report (DDR) summaries, documenting STP Nuclear Operating Company's (STPNOC's) assessment of Toshiba's qualification to supply the design of the Advanced Boiling Water Reactor (ABWR) for South Texas Units 3 & 4.

Upon review of this document and its attachments, NRC identified questions which warrant the revision to one of the attachments. With this letter, therefore, please find a revised Appendix A, Task 1 Report (ABWR Design Documentation), which supersedes and replaces the original Appendix A in its entirety.

Appendix A presented a Direct References Master List and subset Tables 2-1 through 2-5. The Direct References Master List listed documents that were directly referenced in the ABWR Design Control Document (DCD), STP 3 & 4 Combined License Application (COLA), or ABWR Final Safety Evaluation Report (FSER). Subset Tables 2-1 through 2-5 segregated the documents by those required to be addressed for COLA Revision 2, those required to be addressed post COLA Revision 2 (excluding those related to the fuel amendment), those available in the NRC Public Document Room (PDR), and those available through the BWR Owners Group (BWROG).

The Master List and subset tables inadvertently contained an internal screening summary used by STP to assess whether reference document reconstitution could potentially require prior NRC approval, and mislabeled these assessments as "NRC Approval? (yes or no)." These screening summaries were not accompanied by a requisite explanatory note. Each direct reference was screened in the Due Diligence Assessment using the evaluation questions required by 10 CFR 52, Appendix A, Section VIII.B.5 (similar to 10 CFR 50.59) to determine if prior NRC approval

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might be required for the direct reference reconstitution. The resulting summary was intended not to provide a list of direct references where reconstitution would require prior NRC approval, but rather a list of references where NRC approval might be required.

To clarify the Direct Reference tables, a revised version of the Appendix A – Direct Reference Master List table has been prepared, and is included as Attachment 2. The revised Master List eliminates the need for subset Tables 2-1 through 2-5, deletes the screening columns, and adds columns for the current disposition and schedule, where applicable. The following disposition re-categorization is used:

1. The referenced document requires replacement with a report that changes the licensing basis. NRC review and approval will be required of the validation methodology and results as part of the COLA review.
- 2A. Category 2A is for new reports or information prepared to support the COLA Revision 2, and the document cited and its design conclusions remain as the official licensing basis for STP 3 & 4.
- 2B. Category 2B is for new reports written for use in closing ITAAC, and the document cited and its design conclusions remain as the official licensing basis for STP 3 & 4. *For example, reports referenced in the DCD that are incorporated by reference (IBR), but describe use of a computer code that the EPC Team cannot use require substitution of a new computer code to close the ITAAC.*
- 2C. Category 2C is for new reports or COLA information required at time of COL issuance, and the document cited and its design conclusions remain as the official licensing basis for STP 3 & 4. *For example, the startup test procedure (which has already been prepared) is required at the time of COL issuance.*
3. The document will be replaced by a new report as part of the License Fuel Amendment and NRC review and approval will be required at that time. There is no impact on the current COLA review.
4. No replacement is necessary; STP 3&4 will meet the requirements/criteria defined in the referenced document. *In most cases this is because the EPC Team has the report and is authorized to use it. In some of these cases, a derivative document will be created based on the original document referenced in the DCD to facilitate transfer of detailed information to EPC Team members and STPNOC, who may not have access to the original document.*
5. The document will be replaced or supplemented by a new report and prior NRC review and approval will not be required. *These are cases where the GE reports cite publicly available information or dose data for BWR/6s, but Toshiba can prepare replacement information using published papers and/or data from ABWRs to confirm or replace the DCD information using a Tier 2 departure.*
6. No replacement is necessary because the document is not needed for STP 3&4. Cited reference has been superseded by an alternate analysis that supports a COLA commitment.

7. No replacement is necessary because the document is no longer valid. Relevant information has been provided in COLA Revision 2.
8. No replacement is necessary because the document is not needed for STP 3&4. *For example, reports related to leak-before-break methodology are not applicable for STP 3&4 because line breaks are postulated and explicitly evaluated.*

Attachment 1 to this letter is an affidavit in support of the request for withholding proprietary information on behalf of STPNOC. This affidavit requests that proprietary information be withheld from public disclosure in accordance with 10 CFR 2.390.

A non-proprietary version of this letter is provided in parallel with this submittal.

There are no commitments in this letter.

If there are any questions, please contact me at (361) 972-7136 or Mr. Bill Mookhoek at (361) 972-7274.

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

Executed on 12/18/08



Scott Head
Manager, Regulatory Affairs
South Texas Project Units 3 & 4

Attachments: As stated

cc: w/o attachment except*
(paper copy)

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L. D. Blaylock
CPS Energy

Attachment 1

Affidavit for Withholding Proprietary Information
Under 10 CFR 2.390

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
STP Nuclear Operating Company)	Docket Nos.52-012
)	52-013
South Texas Project)	
Units 3 and 4)	

AFFIDAVIT

I, Scott Head, being duly sworn, hereby depose and state that I am Manager, Regulatory Affairs, of STP Units 3 & 4; that I am duly authorized to sign and file with the Nuclear Regulatory Commission the attached application for withholding proprietary information from public disclosure, that I am familiar with the content thereof; and that the matters set forth therein are true and correct to the best of my knowledge and belief.

In accordance with 10 CFR 2.390(b)(ii):

The specific documents for which withholding from public disclosure is sought are:
STP 3 & 4 Revision to Due Diligence Report Direct References Matrix
Task 1 Report (ABWR Design Documentation)

- (A) The official position of the person making this affidavit is Manager, Regulatory Affairs, of STP 3 & 4, who has been specifically delegated the function of reviewing the information sought to be withheld and authorized to apply for its withholding on behalf of STPNOC.
- (B) The information sought to be withheld is contained in the Attachment 2 of STP letter, U7-C-STP-NRC-080075, submitting a revised appendix to the Due Diligence Evaluation of Toshiba Corporation for Supplying a Certified ABWR Design. Pages containing proprietary information display the word "PROPRIETARY" at the top of each page. The proprietary information is marked with a number between 1 and 7 corresponding to the NRC guidance on categories of proprietary information from the Electronic Submittal Task Force sponsored by the NRC.

- (C) The basis for proposing the information be withheld is that the information constitutes business sensitive information, trade secrets and commercial or financial information and is privileged or confidential [10 CFR 2.390(a)(4)].
- (D) Public disclosure of the information sought to be withheld is likely to cause substantial harm to STPNOC's competitive position and its business relations with Toshiba Corporation. The information documents results of a confidential qualifications assessment of Toshiba to provide the certified ABWR design in the US.

Further STPNOC affirms that:

- (i) The information has been withheld in confidence by STPNOC.
- (ii) The information is of a type customarily held in confidence by STPNOC and there is a rational basis for doing so.
- (iii) The information has been transmitted to the NRC in confidence.
- (iv) The information is not available in public sources.
- (v) Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of STPNOC, taking into account the value of the information to STPNOC; the amount of money and effort expended by STPNOC in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others.

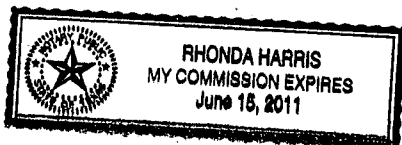
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Scott Head
Manager, Regulatory Affairs
STP Units 3 & 4

STATE OF TEXAS)
)
COUNTY OF MATAGORDA)

Subscribed and sworn to before me, a Notary Public in and for the State of Texas, this
18 day of December, 2008.

Rhonda Harris
Notary Public in and for the State of Texas



Attachment 2

A

Task 1 Report (ABWR Design Documentation)

The Contents of this Attachment contain business sensitive information, confidential trade secrets, and commercial information, and as a result are withheld from the public record in accordance with 10CFR2.390(a)(4). This information may not be released without prior permission of STPNOC.

Direct Reference Master List – Explanatory Notes

Final Disposition Category –

1. The referenced document requires replacement with a report that changes the licensing basis. NRC review and approval will be required of the validation methodology and results as part of the COLA review.
- 2A. Category 2A is for new reports or information prepared to support the COLA Revision 2, and the document cited and its design conclusions remain as the official licensing basis for STP 3 & 4.
- 2B. Category 2B is for new reports written for use in closing ITAAC, and the document cited and its design conclusions remain as the official licensing basis for STP 3 & 4. *For example, reports referenced in the DCD that are incorporated by reference (IBR), but describe use of a computer code that the EPC Team cannot use require substitution of a new computer code to close the ITAAC.*
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3. The document will be replaced by a new report as part of the License Fuel Amendment and NRC review and approval will be required at that time. There is no impact on the current COLA review.
4. No replacement is necessary; STP 3&4 will meet the requirements/criteria defined in the referenced document. *In most cases this is because the EPC Team has the report and is authorized to use it. In some of these cases, a derivative document will be created based on the original document referenced in the DCD to facilitate transfer of detailed information to EPC Team members and STPNOC, who may not have access to the original document.*
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8. No replacement is necessary because the document is not needed for STP 3&4. *For example, reports related to leak-before-break methodology are not applicable for STP 3&4 because line breaks are postulated and explicitly evaluated.*

A total of 157 documents are addressed in the consolidated Direct Reference Master List.

Items are sequenced by Final Disposition Category, with the Category 1 documents presented numerically first, followed by 2A, 2B and etc.