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February 23, 2009
U7-C-STP-NRC-090013

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
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Rockville MD 20852-2738

South Texas Project
Units 3 and 4
Docket Nos. 52-012 and 52-013
Response to Request for Additional Information

Attached is the response to the NRC staff question included in Request for Additional Information (RAI) letter number 247 related to Combined License Application (COLA) Part 5. This submittal completes the response to this RAI letter and includes a response to RAI question number 13.03-72.


When a change to the COLA is indicated, the change will be incorporated into the next routine revision of the COLA following NRC acceptance of the response.

There are no new commitments made in this letter.

If you have any questions regarding the attached response, please contact me at (361) 972-4626, or Bill Mookhoek at (361)-972-7274.

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

Executed on 2/23/09


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

fjp

Attachments:

1. Question 13.03-72

DO91
NRC

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

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RAI 13.03-72:**QUESTION:****SITE-56:** Emergency Classification System

Basis: 10 CFR 52.79(a)(21), 10 CFR 50.47(b)(4), Section IV.B of Appendix E to 10 CFR Part 50; NUREG-0654/FEMA-REP-1 Planning Standard D

ACCEPTANCE CRITERIA: Requirement A; Acceptance Criteria 1 and 3

EALs are discussed in Section D, "Emergency Classification System," of COL application Part 5.

The initial EALs, which are required by 10 CFR 50.47(b)(4) and Section IV.B of Appendix E to 10 CFR Part 50, must be approved by the NRC. The South Texas Project combined license (COL) application does not fully address certain aspects of the required EAL scheme. This is because various equipment set points and other information cannot be determined until the as-built information is available; e.g., head corrections, radiation shine, final technical specifications, and equipment calculations and tolerances. The NRC has been evaluating possible options to ensure applicants address the regulations and provide the following:

Option 1 – Submit an entire EAL scheme, which contains all site-specific information, including set points. Until this information is finalized, EALs would remain an open item.

Option 2 – Submit emergency plan Section D, "Emergency Classification System," which addresses the four critical elements of an EAL scheme (listed below). The NRC will determine the acceptability of the EAL scheme.

- *Critical Element 1* – Applicant proposes an overview of its emergency action level scheme including defining the four emergency classification levels, (i.e., Notification of Unusual Event, Alert, Site Area Emergency, and General Emergency), as stated in NEI 99-01, Revision 5, with a general list of licensee actions at each emergency classification level.
- *Critical Element 2* – Applicant proposes to develop the remainder of its EAL scheme by using a specified NRC endorsed guidance document. In the development of its EALs, the proposed EALs should be developed with few or no deviations or differences, other than those attributable to the specific reactor design. NEI 07-01, if endorsed, will be applicable to the AP1000 and ESBWR (passive) reactor designs, and NEI 99-01 is applicable to all (non-passive) reactor designs. If applicable, EALs related to digital instrumentation and control must be included. The NRC must find in the Safety Evaluation Report that this approach is acceptable for each site.

- *Critical Element 3* – Applicant proposes a License Condition (LC) that the applicant will create a fully developed set of EALs in accordance with the specified guidance document. These fully developed EALs must be submitted to the NRC for confirmation at least 180 days prior to fuel load.
- *Critical Element 4* – The EALs must be kept in a document controlled by 10 CFR 50.54(q), such as the emergency plan; or a lower tier document, such as the Emergency Plan Implementing Procedures.

Please review the two options provided above, identify which option will be chosen, and provide the detailed EAL information in support of the chosen option.

Responses:

The South Texas Project Unit 3 & 4 Emergency Action Levels (EAL) Technical Bases Manual for the STP COLA does not address certain aspects of the pending NRC endorsement of the NEI 99-01 EAL scheme. Specifically, and as noted in the question above, several EAL threshold values cannot be derived until actual as-built information is available. As such, STP will revise STP COLA Part 5 and withdraw the submitted EAL Technical Bases Manual in order to utilize Option 2 of the above RAI.

Option 2 of the RAI requires the following four critical elements:

1. Applicant proposes an overview of its EAL scheme including defining the four emergency classification levels as stated in NEI 99-01 Rev 5, with a general list of licensee actions at each emergency classification level.

Response:

STP Section D: *Emergency Classification System*, of the submitted COLA Part 5 Emergency Plan contains this general information.

2. Applicant proposes to develop the remainder of its EAL scheme by using a specified NRC endorsed guidance document.

Response:

When design information for the threshold values becomes available, the South Texas Project Units 3 & 4 EAL Technical Bases Manual will be developed using NEI 99-01 Revision 5 or the most current endorsed EAL scheme with the exception of any deviations required for the ABWR or site-specific considerations.

3. Applicant proposes a License Condition (LC) that the applicant will create a fully developed set of EALs in accordance with the specified guidance document. These fully developed EALs must be submitted to the NRC for confirmation at least 180 days prior to fuel load.

Response:

STP Proposes the following license condition for the COL for STP Units 3 & 4:

STP Nuclear Operating Company shall submit a fully developed set of EALs to the NRC in accordance with NEI 99-01 Revision 5 or the most current endorsed EAL scheme. These fully developed EALs shall be submitted to the NRC for confirmation at least 180 days prior to initial fuel load.

4. The EALs must be kept in a document controlled by 10 CFR 50.54(q), such as the emergency plan; or a lower tier document, such as the emergency plan implementing procedures.

Section D of the STP Emergency Plan addresses that the EALs are contained in an Emergency Classification Procedure (OERP01-ZV-IN01). Revision of this procedure is controlled in the same manner as the Emergency Plan. It requires the same level of record management document review and approval including an evaluation in accordance with §50.54(q).