

September 9, 2009

Mr. Mark McBurnett, Vice President  
Oversight & Regulatory Affairs  
STP Nuclear Operating Company  
P. O. Box 289  
Wadsworth, TX 77483

SUBJECT: STATUS OF THE ACCEPTANCE REVIEW OF ADVANCED BOILING WATER REACTOR DESIGN CERTIFICATION AMENDMENT APPLICATION TO IMPLEMENT AIRCRAFT IMPACT RULE

Dear Mr. McBurnett:

On June 30, 2009, South Texas Project Nuclear Operating Company (STPNOC) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) to amend the design certification rule for the U.S. Advanced Boiling Water Reactor (ABWR), refer to ADAMS Accession Number ML092040048. The amendment application is to address the requirements of Title 10 *Code of Federal Regulations* (CFR) 50.150 which implements the aircraft impact rule. The amendment application contains STPNOC proposed revisions to the ABWR design control document (DCD).

In a design certification amendment request, the application is to be accompanied by a supplemental environmental report (ER), as required by 10 CFR 51.55(b), "Environmental Report – Standard Design Certification." The applicant must include a separate document entitled, "Applicant's Supplemental Environmental Report – Amendment to Standard Design Certification." The ER must address whether the design change in the proposed amendment either renders a severe accident mitigation design alternative (SAMDA) previously rejected in an environmental assessment to become cost beneficial, or results in the identification of new SAMDAs that may be reasonably incorporated into the design certification.

The applicant did not provide the supplemental ER in its amendment request as required. The staff is nearing completion of its acceptance review of your design certification amendment application. Please provide your plan for submitting the supplemental ER. As the staff continues the acceptance review, issues may be identified that may lead to requests for additional information or may require an audit of records. We will provide that information to you as soon as it is identified under separate correspondence.

Your response is necessary before the NRC can develop a schedule and allocate appropriate resources to review your application. Please provide us with your written response as soon as practicable. If you would like to meet to discuss these issues, please let us know so that we may plan appropriately for a date, time, and location for the public meeting.

Sincerely,

***/RA/***

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Project No. 777

cc: See next page

M. McBurnett

-2-

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*/RA/*

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ADAMS Accession No.: ML092390462

NRO-002

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(Revised 08/05/2009)

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