



South Texas Project Electric Generating Station 4000 Avenue F – Suite A Bay City, Texas 77414

November 30, 2009  
U7-C-STP-NRC-090214

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 Nos. 52-012 and 52-013  
Response to Request for Additional Information

Reference: Letter, Scott Head to NRC, "Response to Request for Additional Information", dated October 27, 2009 (ML093060175).

STP Nuclear Operating Company (STPNOC) previously submitted a response to Request for Additional Information Number ER 09.03.02-08 (Reference Letter) in which we addressed the issue of whether there is "reasonable assurance" that water use permits could be obtained for the sites evaluated as alternatives to the STP site in COLA Part 3, Section 9.3. The Full Text (Supporting Information) under Item B of the RAI cited a discussion between the NRC and the Texas Commission on Environmental Quality (TCEQ) where the TCEQ suggested that obtaining water use permits for two of the alternative sites would be difficult. In our response under Item B, we pointed out that the siting study assumed that it would be necessary to purchase existing water rights from current holders of water use permits for industrial, irrigation and mining uses, and that, while obtaining State approval of the transfer of these water use permit(s) could be difficult, there is no legal impediment to this objective and a defined process exists to accomplish it. We also suggested that pursuit of this process is beyond the scope of the "reconnaissance data standard" reflected in Regulatory Guide 4.7.

STPNOC recently consulted with the TCEQ to confirm our position that, based on the information currently available, there is "reasonable assurance" that State approval for the transfer of water use permits could be obtained for each of the alternative sites. TCEQ

STI: 32581218

DO91  
NRO

acknowledged that it could be both costly and difficult to obtain the necessary water rights and associated water use permits, but there is no legal basis to preclude STPNOC from doing so. STPNOC believes that this consultation satisfies the "reasonable assurance" requirement that permits can be obtained for the quantities of water needed at these sites.

There are no commitments in this letter

If you have any questions, please feel free to contact me at (361) 972-7136, or Russell W. Kiesling at (361)-972-4716.

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

Executed on 11/20/09



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

sad

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

Director, Office of New Reactors  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

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

Kathy C. Perkins, RN, MBA Assistant Commissioner  
Division for Regulatory Services  
Texas Department of State Health Services  
P. O. Box 149347  
Austin, Texas 78714-9347

Alice Hamilton Rogers, P.E.  
Inspection Unit Manager TX Dept of State Health Services  
P. O. Box 149347  
Austin, Texas 78714-9347

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

\*Steven P. Frantz, Esquire  
A. H. Gutterman, Esquire  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20004

\*George F. Wunder  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852-2738

\*Jessie Muir  
Two White Flint North  
U.S. Nuclear Regulatory Commission  
Mail Drop T6D32  
11545 Rockville Pike  
Rockville, MD 20852-2738

(electronic copy)

\*George Wunder  
Loren R. Plisco  
\*Jessie Muir  
U. S. Nuclear Regulatory Commission

Steve Winn  
Eddy Daniels  
Joseph Kiwak  
Nuclear Innovation North America

Jon C. Wood, Esquire  
Cox Smith Matthews

J. J. Nesrsta  
R. K. Temple  
Kevin Pollo  
L. D. Blaylock  
CPS Energy

\*L'Oreal Stepney (MC 154)  
Deputy Director, Office of Water  
TCEQ  
P.O. Box 13087  
Austin, Texas 78711-3087

\*Todd Chenoweth (MC 154)  
Director, Water Supply Division  
TCEQ  
P.O. Box 13087  
Austin, Texas 78711-3087