

January 13, 2010

Mr. Scott Head, Manager
Regulatory Affairs
STP Nuclear Operating Company
P. O. Box 289
Wadsworth, TX 77483

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 010 RELATED TO
SRP SECTION 01.04 FOR THE ABWR DESIGN CERTIFICATION RULE
AMENDMENT APPLICATION

Dear Mr. Head:

By letter dated June 20, 2009, STP Nuclear Operating Company (STPNOC) submitted for approval an application to amend the Advanced Boiling Water Reactor design certification rule (DCR) pursuant to 10 CFR Part 52. The U. S. Nuclear Regulatory Commission (NRC) staff is performing a detailed review of this application to enable the staff to reach a conclusion on the safety of the proposed application.

The NRC staff has identified that additional information is needed to continue portions of the review. The staff's request for additional information (RAI) is contained in the enclosure to this letter.

To support the review schedule, you are requested to respond within **30** days of the date of this letter. If changes are needed to the safety analysis report, the staff requests that the RAI response include the proposed wording changes.

S. Head

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If you have any questions or comments concerning this matter, I can be reached at 301-415-8484 or by e-mail at Tom.Tai@nrc.gov.

Sincerely,

/RA/

Tom M. Tai, Senior Project Manager
ABWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-001

eRAI Tracking No. 4212

Enclosures:
Request for Additional Information

cc: William Mookhoek
Fred Puleo
Coley Chappell

S. Head

-2-

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NAME	TTai	MTonacci	TTai
DATE	12/24/09	12/28/10	1/13/10

***Approval captured electronically in the electronic RAI system.**

OFFICIAL RECORD COPY

Request for Additional Information No. 4212 Revision 5

**ABWR Design Certification Amendment Project
South Texas Project Nuclear Operating Co
Docket No. 52-001
SRP Section: 01 - Introduction and Interfaces
Application Section: Chapter 1**

QUESTIONS for ESBWR/ABWR Projects 2 (NGE2)

01-2

On June 30, 2009, South Texas Project Nuclear Operating Company (STPNOC) submitted an application to amend the ABWR design certification to comply with the aircraft impact rule.

In a letter of intent dated February 11, 2009, one of the STPNOC's parent companies, NRG, advised the agency that a joint venture with Toshiba has been formed to create Nuclear Innovation North America LLC (NINA) to submit an application for renewal of the ABWR certification in accordance with 10CFR52.57. The renewal application will include the updates and revisions consistent with the STP Units 3 and 4 Combined License Application

Based upon these representations to the NRC, the staff believes that STPNOC is intending, either by itself or in conjunction with other entities, to supply the design of the amended ABWR (including design and engineering services within the scope of the certified design as amended) to third parties. Under such circumstances, the NRC staff's position is that STPNOC must demonstrate that they meet the same technical qualification requirements as an original applicant for design certification in accordance with 10CFR52.47(a)(7). Please provide additional information demonstrating that STPNOC is technically qualified to supply the entire amended ABWR design.

Based on technical meetings and interactions with STPNOC and its EPC team, it is understood that Toshiba and Westinghouse have been involved in preparing this amendment application. Please explain the legal and contractual relationship between STPNOC and Toshiba, and STPNOC with Westinghouse in its current and future development of ABWR design certification activities.

Enclosure