February 19, 2010

MEMORANDUM TO: Edwin M. Hackett, Executive Director
Advisory Committee on Reactor Safeguards

FROM: David B. Matthews, Director **/RA - FAkstulewicz for/**
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SAFETY EVALUATION REPORT WITH OPEN ITEMS REGARDING THE SOUTH TEXAS PROJECT UNITS 3 AND 4 COMBINED LICENSE APPLICATION – CHAPTERS 5, 8, 16, and 17

The U.S. Nuclear Regulatory Commission staff is preparing a safety evaluation report (SER) with open items (OIs) for the Final Safety Analysis Report (FSAR) of the South Texas Project (STP) Units 3 & 4 combined license (COL) application. The application was submitted by South Texas Project Nuclear Operating Company on September 20, 2007. South Texas Project Units 3 & 4 reference the Advanced Boiling Water Reactor (ABWR) certified design.

The staff has completed the detailed review of FSAR Chapters 5, 8, 16, and 17, and prepared the corresponding safety evaluations with OIs for the subject chapters. These safety evaluations with OIs are being provided to support the upcoming meeting of the Advisory Committee on Reactor Safeguards (ACRS) ABWR Subcommittee, scheduled to be held on March 18, 2010. The ACRS Full Committee meeting will be held at a future date.

These safety evaluations with OIs are based on Revision 3 (September 2009) of the COL application which incorporates by reference Revision 4 of the ABWR DCD.

The staff concludes that the SERs with Open Items do not contain any information for which exemption from pubic disclosure has been sought or approved. However, the NRC will withhold the SERs from public disclosure for ten calendar days to allow STP the opportunity to verify the staff's conclusion that the SERs contain no such exempt information. Therefore, the staff requests that the ACRS withhold the SERs with Open Items from public disclosure until the information has been released publicly in the Agencywide Documents Access and Management System. The Accession Numbers for the SERs with Open Items are as follows:

1. Safety Evaluation Report with Open Items - Chapter 5 (ML100491131)
2. Safety Evaluation Report with Open Items - Chapter 8 (ML100430778)
3. Safety Evaluation Report with Open Items - Chapter 16 (ML100491312)
4. Safety Evaluation Report with Open Items - Chapter 17 (ML100470620)

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The staff will inform the ACRS immediately if STP requests that any of the information in the SERs with Open Items be withheld from public disclosure.

Docket Nos.52-012 and 52-013

cc: Mark McBurnett, Vice President
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P. O. Box 289
Wadsworth, TX 77493

The staff will inform the ACRS immediately if STP requests that any of the information in the SERs with Open Items be withheld from public disclosure.

Docket Nos.52-012 and 52-013

cc: Mark McBurnett, Vice President
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