February 16, 2010

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

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 319 RELATED TO THE SRP SECTION 17.5 FOR THE SOUTH TEXAS COMBINED LICENSE APPLICATION

Dear Mr. Head:

By letter dated September 20, 2007, South Texas Project Nuclear Operating Company (STPNOC) submitted for approval a combined license application 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.

If you have any questions or comments concerning this matter, you may contact me at 301-415-1146 or Raj.Anand@nrc.gov, or you may contact George Wunder at 301-415-1494 or George.wunder@nrc.gov.

Sincerely,

/RA/

Raj Anand, Project Manager
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-012
52-013
eRAI Tracking No: 4373

Enclosure:
Request for Additional Information

cc: William Mookhoek

If you have any questions or comments concerning this matter, you may contact me at 301-415-1146 or Raj.Anand@nrc.gov, or you may contact George Wunder at 301-415-1494 or George.wunder@nrc.gov.

Sincerely,

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Enclosure:
Request for Additional Information

cc: William Mookhoek

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OFFICE	CQVB/TR	CQVB/BC	NGE2/PM	NGE2/L-PM
NAME	GNewman*	RRasmussen*	RAnand*	GWunder*
DATE	2/8/10	2/3/10	2/16/10	2/4/10

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

OFFICIAL RECORD COPY

Request for Additional Information No. 4373

South Texas Project Units 3 and 4
South Texas Project Nuclear Operating Co
Docket No. 52-012 and 52-013
SRP Section: 17.5 - Quality Assurance Program Description - Design Certification, Early Site Permit and New License Applicants
Application Section: Quality Assurance Program Description

QUESTIONS for Quality and Vendor Branch 2 (ESBWR/ABWR) (CQVB)

17.5-9

STP Units 3 &4 QAPD, Part IV, "Regulatory Commitments," identifies Regulatory Guides (RGs) and other quality assurance standards to which STPNOC complies. FSAR Section 1.9S, "Conformance with Regulatory Criteria," identifies regulatory and industry guidance to which the STP conforms.

The NRC issued RAI 17.5-8, in part, to ask STP to provide a description of STP's plan to incorporate revisions to NEI 06-14A, "Quality Assurance Program Description." Your response, dated October 21, 2008, indicated that STPNOC planned to comprehensively evaluate NRC approved revisions to NEI 06-14A and revise the QAPD to incorporate applicable changes. The NRC issued RAI 01-14 to ask the STP to provide a list of conformance/exceptions of regulatory guides related to quality assurance for the OQAP and QAPD. Your response, dated October 29, 2009, which provided an excerpt from Part IV of the QAPD, Revision 2, and a matrix of conformance with RGs with respect to the OQAP and the QAPD. STPNOC submitted Revision 2 of its QAPD to the NRC by letter dated September 30, 2009, which incorporated responses to RAIs and changes to the latest revision of NEI 06-14. This revision does not fully address all the specific areas the NRC noted in its SER for NEI 06-14, Revision 7, dated November 3, 2009.

a) The QAPD states that RG 1.28, Revision 3, "Quality Assurance Program Requirements (Design and Construction)," Regulatory Position C.2 is addressed in Section 17.1. Section 17.1 states that the records and retention times are "based on" Regulatory Position C.2 and Table 1 of RG 1.28, Revision 3, but does not provide a list of records and retention times or commit to those sections of the RG. Please provide a list of records and retention times or commit to Regulatory Position C.2 and Table 1.

b) The QAPD identifies an alternative to RG 1.33, Revision 2, "Quality Assurance Program Requirements," issued February 1978, Regulatory Position C.2 by committing to NQA-1-1994 in the QAPD rather than the ANSI 45.2 series standards listed in the RG. However, the RG also lists other ANSI standards other than N45.2 series. Please describe how each of how each of the standards listed in the RG are met.

   The QAPD identifies an alternative to Regulatory Position C.4 by committing to comply with the quality standard described in NQA-1-1994, Basic Requirement 18 and Supplement 18S-1. The QAPD identifies an alternative to Regulatory Position C.5 by providing adequate guidance for establishing a quality assurance program that complies with 10CFR 50, Appendix B, by using NQA-1-1994, as supplemented by additional regulatory and industry guidance identified in SRP Section 17.5. These are similar to the alternatives proposed in NEI 06-14, Revision 7. In order to demonstrate that the QAPD has incorporated all of the administrative controls in ANSI N18.7-1976 not included in NQA-1-1994, the STP must develop a line by line comparison of the

requirements of ANSI N18.7-1976, the QAPD, and NQA-1-1994 similar to those prepared by operating reactors to support adoption of NQA-1-1994. Otherwise, the STP must commit to RG 1.33.

c) Conformance with the RGs listed in Part IV, specifically RGs 1.8, 1.26, 1.28, 1.29, 1.33, and 1.37, are inconsistent with those listed in FSAR Chapter 1.9S, "Conformance with Regulatory Criteria." Please clarify FSAR Chapter 1.9S and Part IV of the QAPD as appropriate.

d) The QAPD, Part IV, identifies a commitment to ASME NQA-1-1994, "Quality Assurance Requirements for Nuclear Facility Applications," Parts I and II. However, the QAPD, Section 13.2, identifies another commitment to NQA-1-1994, Part III. Please include the commitment to NQA-1-1994, Part III, in Part IV of the QAPD.