

PMSTPCOL PEmails

From: Elton, Loree [leelton@STPEGS.COM]
Sent: Wednesday, February 10, 2010 3:27 PM
To: Muniz, Adrian; Dyer, Linda; Wunder, George; Tonacci, Mark; Eudy, Michael; Kallan, Paul; Plisco, Loren; Anand, Raj; Foster, Rocky; Joseph, Stacy; Govan, Tekia; Tai, Tom
Subject: Transmittal of Letter U7-C-STP-NRC-100031
Attachments: U7-C-STP-NRC-100031.pdf

Please find attached a courtesy copy of letter number U7-C-STP-NRC-100031, which contains a supplemental response to RAI 02.04.12-33. Please note that the groundwater model calculation files which are part of the response are too large to be sent by e-mail so they are not included here.

The official version of this correspondence will be placed in today's mail. Please call Dick Bense at 215-353-8857 if you have any questions concerning this letter.

Thank you,

Loree Elton

Licensing, STP 3 & 4
leelton@stpegs.com
361-972-4644

Hearing Identifier: SouthTexas34Public_EX
Email Number: 2000

Mail Envelope Properties (C7F098E3C31A0141A02043F0B8E656EE268573DBED)

Subject: Transmittal of Letter U7-C-STP-NRC-100031
Sent Date: 2/10/2010 3:27:06 PM
Received Date: 2/10/2010 3:28:22 PM
From: Elton, Loree

Created By: leelton@STPEGS.COM

Recipients:

"Muniz, Adrian" <Adrian.Muniz@nrc.gov>
Tracking Status: None
"Dyer, Linda" <Lcdyer@STPEGS.COM>
Tracking Status: None
"Wunder, George" <George.Wunder@nrc.gov>
Tracking Status: None
"Tonacci, Mark" <Mark.Tonacci@nrc.gov>
Tracking Status: None
"Eudy, Michael" <Michael.Eudy@nrc.gov>
Tracking Status: None
"Kallan, Paul" <Paul.Kallan@nrc.gov>
Tracking Status: None
"Plisco, Loren" <Loren.Plisco@nrc.gov>
Tracking Status: None
"Anand, Raj" <Raj.Anand@nrc.gov>
Tracking Status: None
"Foster, Rocky" <Rocky.Foster@nrc.gov>
Tracking Status: None
"Joseph, Stacy" <Stacy.Joseph@nrc.gov>
Tracking Status: None
"Govan, Tekia" <Tekia.Govan@nrc.gov>
Tracking Status: None
"Tai, Tom" <Tom.Tai@nrc.gov>
Tracking Status: None

Post Office: exgmb1.CORP.STPEGS.NET

Files	Size	Date & Time
MESSAGE	605	2/10/2010 3:28:22 PM
U7-C-STP-NRC-100031.pdf	709203	

Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

PROPRIETARY

This document is not
Proprietary when separated
from the DVD Enclosure.

February 10, 2010
U7-C-STP-NRC-100031

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
Supplemental Responses to Request for Additional Information

- References:
1. Letter, Scott Head to Document Control Desk, "Supplemental Response to Request for Additional Information," U7-C-STP-NRC-090206 dated November 30, 2009 (ML093360350).
 2. Letter, Scott Head to Document Control Desk, "Supplemental Response to Request for Additional Information," U7-C-STP-NRC-100010 dated January 11, 2010 (ML100140408)

Reference 1 provided a supplement to the response to RAI 02.04.12-33 that included the updated STP 3 & 4 groundwater model, "Groundwater Model Development and Analysis for STP Units 3 & 4," Bechtel Power Corporation, December 2008, Revised November 2009." Reference 2 provided the "Input and Output Files" used for the November 2009 update of the groundwater model. During a telephone call on January 27, 2010, the staff requested that STPNOC provide the calculations used to develop the November 2009 update of the groundwater model. The requested calculation files are being provided as Supplement 3 to the response to RAI 02.04.12-33. The calculation files are contained on the enclosed digital versatile disc (DVD).

Attachment 1 and the enclosed DVD provide the following:

RAI 02.04.12-33, Supplement 3

The DVD enclosed with this letter contains computer model calculation files that are Proprietary Information under 10 CFR 2.390(a)(4). When separated from the enclosed DVD, this letter does not contain Proprietary Information.

The DVD enclosed with this letter contains computer model calculation files that were requested by the NRC Staff. The NRC Staff requested that the files be submitted in the native formats required by the software utilized to support development of the STP 3 & 4 COLA. Please note that the files on the enclosed DVDs do not comply with the requirements for electronic

STI 32605975

submission in NRC Guidance Document, "Guidance for Electronic Submissions to the NRC," dated November 20, 2007.

There are no commitments in this letter.

If you have any questions regarding these responses, please contact me at (361) 972-7136, or Bill Mookhoek at (361) 972-7274.

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

Executed on 2/10/10



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

rhb

- Attachments:
1. RAI 02.04.12-33, Supplement 3
 2. Affidavit for Withholding Confidential and Proprietary Information from Public Disclosure under 10 CFR 2.390

Enclosure: DVD: STPNOC Letter U7-C-STP-NRC-100031
Visual MODFLOW - Calculation Files (RAI 02.04.12-33, Supplement 3)

cc: w/o attachments and enclosure except*
(paper copy)

(electronic copy)

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

*George F. Wunder
*Tekia Govan
Loren R. Plisco
U. S. Nuclear Regulatory Commission

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

Steve Winn
Joseph Kiwak
Eli Smith
Nuclear Innovation North America

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

Jon C. Wood, Esquire
Cox Smith Matthews

J. J. Nestrsta
Kevin Pollo
L. D. Blaylock
CPS Energy

Alice Hamilton Rogers, P.E.
Inspection Unit Manager
Texas Department 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
*Tekia Govan
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

RAI 02.04.12-33, Supplement 3:**QUESTION:**

In the review of the document “Groundwater Model Development and Analysis for STP Units 3&4” provided as part of applicant’s response to RAI 02.04.12.20, the staff noted that while the purpose of a groundwater flow model for a site goes beyond just calibration, one of the primary bases for determining a model’s reliability to predict post-construction conditions is documenting its ability to reproduce existing field observation. The staff conclude from the review (of the FSAR Rev 2 Sections 2.4S.12 and 2.4S.13, and RAI responses including 2008 data and interpretations) that among the critical observed field conditions not reproduced by the existing model one must include (1) a groundwater divide in the Upper Shallow Aquifer in the immediate vicinity of the proposed location for STP Units 3&4, (2) a groundwater divide (that cannot be excluded) in the Lower Shallow Aquifer in the immediate vicinity of the proposed location for STP Units 3&4, and (3) an exposure pathway in the vicinity of Kelly Lake where there is an upward gradient from the Lower to the Upper Shallow Aquifer and the Upper Shallow Aquifer is hydraulically connected to Kelly Lake. Provide either 1) a revised conceptual model to better represent the current observed field conditions, a revised numerical model, its revised results and conclusions, and proposed changes to the FSAR Sections 2.4.12 and 2.4.13, or 2) a justification of why these inconsistencies between observations and model predictions do not make the model unreliable for these assessments.

Reference: “Groundwater Model Development and Analysis for STP Units 3&4”, South Texas Project, U7-C-STP-NRC-080070, Attachment 2, by Bechtel Power, December 2008.

RESPONSE, SUPPLEMENT 3:

STPNOC letter U7-C-STP-NRC-090206 (ML093360350), dated November 30, 2009, provided a supplement to the response to RAI 02.04.12-33 that included the updated STP 3 & 4 numerical groundwater model, “Groundwater Model Development and Analysis for STP Units 3 & 4,” Bechtel Power Corporation, December 2008, Revised November 2009.” STPNOC letter U7-C-STP-NRC-100010 (ML100140408), dated January 11, 2010, provided the "Input and Output Files" used for the November 2009 update of the groundwater model. During a telephone call on January 27, 2010, the staff requested that STPNOC provide the calculations used to develop the November 2009 update of the groundwater model. The requested calculation files are being provided as Supplement 3 to the response to RAI 02.04.12-33. The calculation files are contained on the enclosed digital versatile disc (DVD).

The DVD enclosed with this letter contains computer model calculation files that are Proprietary Information under 10 CFR 2.390(a)(4). When separated from the enclosed DVD, this letter does not contain Proprietary Information.

No COLA changes are required as a result of this supplemental response.

10 CFR 2.390
AFFIDAVIT OF BRIAN P. REILLY
SUPPORTING APPLICATION TO WITHHOLD FROM PUBLIC DISCLOSURE
BECHTEL CALCULATION 25425-000-KOC-0000-00004, REV. 2,
“GROUNDWATER FLOW MODEL FOR SHALLOW AQUIFER,”
FOR THE SOUTH TEXAS PROJECT UNITS 3 & 4
COMBINED LICENSE APPLICATION

I, Brian P. Reilly, Manager of Nuclear Operations, of Bechtel Power Corporation (Bechtel), having been duly sworn, do hereby affirm and state:

1. I have been authorized by Bechtel to (a) review the information owned by Bechtel which is referenced herein relating to Bechtel Calculation 25425-000-KOC-0000-00004, Rev. 2, “Groundwater Flow Model for Shallow Aquifer”, which Bechtel seeks to have withheld from public disclosure pursuant to 10 CFR 2.390(a)(4), and (b) apply for the withholding of such information from public disclosure by the Nuclear Regulatory Commission (NRC) on behalf of Bechtel.
2. Pursuant to the provisions of 10 CFR 2.390(b)(3), the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - i. The information sought to be withheld from public disclosure is owned and has been held in confidence by Bechtel.
 - ii. The information is of a type customarily held in confidence by Bechtel and not customarily disclosed to the public. Bechtel has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Bechtel policy and provide the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where presentation of its use by any of Bechtel’s competitors without license from Bechtel constitutes a competitive economic advantage.
- b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
- c) Its use by a competitor would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

- d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Bechtel, its customers, or suppliers.
- e) It reveals aspects of past, present, or future Bechtel or customer funded development plans and programs of potential commercial value to Bechtel.
- f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Bechtel system which include the following:

- a) The use of such information by Bechtel gives Bechtel a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Bechtel competitive position.
 - b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes Bechtel's ability to sell products and services involving the use of the information.
 - c) Use by our competitors would put Bechtel at a competitive disadvantage by reducing their expenditure of resources at Bechtel expense.
 - d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components or proprietary information, any one component may be the key to the entire puzzle, thereby depriving Bechtel of a competitive advantage.
 - e) Unrestricted disclosure would jeopardize the position of prominence of Bechtel in the world market, and thereby give a market advantage to the competition.
 - f) The Bechtel capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- iii. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
 - iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - v. The proprietary information specifically sought to be withheld is Bechtel Calculation 25425-000-KOC-0000-00004, Rev. 2, "Groundwater Flow Model for Shallow Aquifer," for the South Texas Project Units 3 & 4 Combined License Application.

This calculation is part of that which will enable Bechtel to support the conclusions and recommendations to our client and the NRC with regard to existing groundwater conditions on site, future groundwater conditions due to planned construction of Units 3 and 4, and determine the transport fate analyses for a postulated accidental release.

Public disclosure of this proprietary information is likely to cause substantial harm to the

competitive position of Bechtel because it would enhance the ability of competitors to perform similar calculations and related services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the information described in part is the result of applying the results of many analyst-hours and significant monetary expenditure.

In order for a competitor of Bechtel to duplicate this information, similar analyses would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

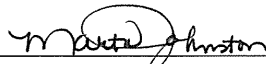
Further affiant sayeth not.

Brian P. Reilly, having been duly sworn, hereby confirms that I am the Manager of Nuclear Operations, of Bechtel Power Corporation, that I am authorized on behalf of Bechtel to review the information attached hereto and to sign and file with the Nuclear Regulatory Commission this affidavit and the attachments hereto, and that the statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief.



Brian P. Reilly

On this 9 day of Feb. 2010, the individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof I hereunto set my hand and official seal.



_____, Notary Public

State of Maryland, Frederick County

My commission expires April 1, 2011