



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

May 13, 2010
U7-C-STP-NRC-100110

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
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South Texas Project
Units 3 and 4
Docket Nos. 52-012 and 52-013
Response to Request for Additional Information

Attached is the response to an NRC staff question included in Request for Additional Information (RAI) letter number 336 related to Combined License Application (COLA) Part 2, Tier 2, Section 14.2, Initial Plant Test Program. This completes the response to RAI letter number 336.

The attachment provides the response to the RAI question listed below:

14.02-14

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

There are no commitments in this letter.

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

DO91
NRO

STI 32678083

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

Executed on 5/13/10



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

gsc

Attachment: RAI 14.02-14

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

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RAI 14.02-14**QUESTION:**

Consistent with the guidance in RG 1.206, Regulatory Position C.III.4.3, "Combined License Information Items That Cannot Be Resolved Before the Issuance of a License," the applicant identified in South Texas Project (STP) Units 3 and 4 FSAR Table 13.4S-1, "Operational Programs Required by NRC Regulation and Program Implementation," Item 19, Initial Test Program (ITP) activities that will be subject to a license condition. In addition to the ITP activities identified in Table 13.4S-1, the NRC staff has identified the following post-COL items in FSAR Section 14.2.13, "COL Information Items" as license conditions:

License Conditions for Post Combined License (COL) Items**License Condition for Preoperational and Startup Test Specifications and Procedures, ABWR DCD Section 14.2.13, COL License Information, COL Item 14.2, Items (1) through (4)**

During the post-licensing period, preoperational and startup test specification and test procedures will be subject to a license condition for NRC inspections to verify that the licensee implements the ITP. This process will allow for the performance of necessary plant as-built inspections and walk downs. The licensee will make available to on-site NRC inspectors preoperational and startup test specifications and test procedures 60 days prior to their intended use.

License Condition for Preoperational and Startup Test Specifications and Procedures, ABWR DCD Section 14.2.13, COL License Information, COL Item 14.2, Item (5)

Prior to initiating the plant's ITP, a site specific startup administration manual (SAM) (procedures), which includes administrative procedures and requirements that govern the activities associated with the plant ITP is to be provided to on-site NRC inspectors.

License Condition for the Power Ascension Test Phase, ABWR DCD Section 14.2.13, COL License Information, COL Item 14.2, Items (6) and (7)

Certain milestones in the startup testing phase of the ITP (e.g., pre-critical testing, criticality testing, and low-power testing) should be controlled through this license condition to ensure that the designated licensee management reviews, evaluates, and approves relevant test results before proceeding to the power ascension test phase. Accordingly, the licensee shall perform the following:

- (a) Complete all pre-critical and criticality testing and confirm that the test results are within the range of values predicted in the FSAR acceptance criteria. After completing and evaluating criticality test results, the licensee will conduct low-power tests and will operate the facility at reactor steady-state core power levels not in excess of 5 percent power, in accordance with the conditions of the license.

- (b) Complete all low-power testing and confirm that the test results are within the range of values predicted in the acceptance criteria in the facility's FSAR. After completing and evaluating low-power test results, the licensee will conduct power ascension testing and will operate the facility at reactor steady-state core power levels not in excess of 100 percent power, in accordance with the conditions of the license.

The licensee is responsible for the review and evaluation of the adequacy of these test results, as well as final review of overall test results. Test results, which do not meet acceptance criteria, are identified and corrective actions and retests are performed. These results shall be made available to on-site NRC inspectors.

License Condition for the Test Program Schedule, ABWR DCD Section 14.2.13, COL License Information, COL Item 14.2, Item (8)

Prior to initial fuel load, the licensee shall submit a schedule, no later than 12 months after issuance of the COL, and updated every 6 months until 12 months before scheduled fuel loading, and every month thereafter until either the operational program for the ITP in STP COL FSAR Table 13.4S-1, Item 19, has been fully implemented or the plant has been placed in commercial service, whichever comes first. This schedule shall support implementation details of the ITP and planning for the conduct of NRC inspections of operational programs listed in the operational program STP COL FSAR Table 13.4S-1, Item 19.

License Condition for Test Changes

Within one month of any ITP changes described in STP Units 3 and 4 FSAR Section 14.2, the licensee shall evaluate these changes in accordance with the provisions of 10 CFR 50.59 or Section VIII of Appendix A to 10 CFR Part 52 and report them in accordance with 10 CFR 50.59(d).

Please inform the NRC staff as to whether or not the above proposed standard license conditions are considered appropriate to support the STP Units 3 and 4 COL.

RESPONSE:

For several reasons, STPNOC does not believe that the proposed license conditions are appropriate for the COL for STP Units 3 & 4.

First, as provided in RG 1.206, Regulatory Position C.III.4.3, COL information items that cannot be resolved prior to issuance of a COL do not necessarily need to be the subject of a license condition. Instead, as provided in paragraph (4) of that section of RG 1.206, such COL information items may be addressed in the following manner:

The COL applicant describes in its application (e.g., within the appropriate section of the FSAR) the proposed approach to addressing a COL information item in sufficient detail to support the NRC licensing finding and includes the requirements for updating the

affected document (e.g., the FSAR update process) or otherwise informing the NRC staff of the final disposition of the COL information item. The descriptions provided should include implementation schedules to allow the coordination of activities with the NRC construction inspection program.

STP FSAR Section 14.2.13.2 provides sufficient information related to startup processes to enable the NRC to make its safety finding with respect to this COL information item, including a commitment to provide the NRC with its Startup Test Specifications 6 months prior to the start of the Initial Test Program, a commitment to make its preoperational test procedures available for NRC review 60 days prior to intended use or fuel load (whichever occurs first), and a commitment to make its startup test procedures available for NRC review 60 days prior to fuel loading. Therefore, the information in STP FSAR Section 14.2.13.2 satisfies paragraph (4) of RG 1.206 Regulatory Position C.111.4.3 and a license condition is unnecessary.

Second, the NRC's proposed license condition would impose requirements that significantly exceed the provisions in STP FSAR Section 14.2.13.2. For example, the proposed license conditions include the following provisions that are not contained in STP FSAR Section 14.2.13.2: 1) a hold point at 5 percent power; 2) a requirement to confirm that the test results are within the ranges predicted in the FSAR; 3) a requirement to provide regular schedule updates to the NRC staff; and 4) a requirement to report changes to STP FSAR Section 14.2 in accordance with 10 CFR 50.59(d) within one month. It is not appropriate to use license conditions to impose requirements beyond those contained in the FSAR.

Third, some of the proposed license conditions are unnecessarily burdensome and are inconsistent with NRC regulations, such as the provision for an NRC hold point at 5 percent of rated power. While the Part 50 process used to provide for issuance of a license authorizing operation at 5 percent power and a license authorizing operation at 100 percent power (10 CFR 2.340(g) (2007)), such a process has never been contained in Part 52 and is inconsistent with the one-step licensing process in Part 52. Furthermore, in 2007, the Commission revoked the need for a 5 percent license in Part 50 operating license proceedings. 72 Fed. Reg. 49352, 49415-416 (Aug. 28, 2007).

Additionally, the FSAR acceptance criteria for tests should not be imposed as a license condition. Instead, if the test results are not within the FSAR acceptance criteria, STPNOC should be allowed to evaluate the nonconformance to determine whether it is acceptable as-is under the change processes in 10 CFR 52.98.

Finally, the proposed license conditions exceed those for other COL applications. For example, Part 10 of the COL application for Vogtle Units 3 & 4 includes a number of proposed license conditions related to FSAR Section 14.2. However, the proposed license conditions for Vogtle do not include the following conditions that have been proposed for STP Units 3 & 4: 1) a hold point at 5 percent power; and 2) a requirement to confirm that the test results are within the ranges predicted in the FSAR.

In summary, STPNOC believes that no license conditions are warranted for this COL information item. Nevertheless, in order to resolve this matter with NRC, STPNOC is willing to accept license conditions similar to those proposed for Vogtle Units 3 & 4. In that regard, STPNOC would not object to the following license conditions, which are based upon STP FSAR Section 14.2.13.2 and are similar to those contained in Part 10 of the Vogtle COL application:

License Condition for Preoperational and Startup Test Specifications and Procedures

Site-specific preoperational and startup test specifications, containing testing objectives and acceptance criteria, will be made available for NRC review at least 6 months prior to the start of the Initial Test Program. Approved preoperational test procedures will be available for NRC review approximately 60 days prior to their intended use but no later than 60 days prior to fuel loading. Approved startup test procedures will be available for NRC review approximately 60 days prior to fuel loading.

License Condition for the Review of Test Results

The licensee is responsible for review and evaluation of individual test results as well as final review of overall test results and for review of selected milestones or hold points within the test phases. Test exceptions or results which do not meet acceptance criteria are identified to the affected and responsible organizations, and corrective actions and retests, as required, are performed.

License Condition for the Test Program Schedule

The licensee shall submit a schedule, no later than 12 months after issuance of the COL, and updated every 6 months until 12 months before scheduled fuel loading, and every month thereafter until either the Initial Test Program in STP COL FSAR Table 13.4S-1, Item 19, has been fully implemented or the plant has been placed in commercial service, whichever comes first.. This schedule shall address the approved preoperational and startup test procedures in accordance with FSAR Subsection 14.2.3.

License Condition for Test Changes

Any changes to the Initial Test Program described in Chapter 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 or Section VIII of Appendix A to 10 CFR Part 52 shall be reported in accordance with 50.59(d) within one month of such change.