

July 28, 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. 353 RELATED TO
SRP SECTION 13.03 FOR THE SOUTH TEXAS PROJECT COMBINED
LICENSE APPLICATION

Dear Mr. Head:

By letter dated September 20, 2007, STP Nuclear Operating Company (STP) 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.

S. Head

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If you have any questions or comments concerning this matter, I can be reached at 301-415-5787 or by e-mail at Rocky.Foster@nrc.gov or you may contact George Wunder at 301-415-1494 or George.Wunder@nrc.gov.

Sincerely,

/RA/

Rocky D. Foster, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-012, 52-013

eRAI Tracking No. 4915

Enclosure:
Request for Additional Information

cc: William Mookhoek
Richard Bense

S. Head

-2-

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OFFICE	NSIR	BC:NSIR	NGE2/PM	NGE2/L-PM
NAME	RMoody	KWillaims	RFoster	GWunder
DATE	7/20/2010	7/20/2010	7/20/2010	7/28/2010

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

OFFICIAL RECORD COPY

Request for Additional Information No. 4915 Revision 3

**South Texas Project Units 3 and 4
South Texas Project Nuclear Operating Co
Docket No. 52-012 and 52-013
SRP Section: 13.03 - Emergency Planning
Application Section: COLA Part 5**

QUESTIONS for Licensing and Inspection Branch (NSIR/DPR/LIB) (EP)

13.03-74

Title: Emergency Planning as it relates the 10 CFR Part 70 license request

Basis: 10 CFR 30.32(i)(1)(i) and (ii); 10 CFR 40.31(j)(1)(i) and (ii); 10 CFR 70.22(i)(1)(i) and (ii)

SRP Acceptance Criterion: Acceptance Criterion 31

In RAI 01-15 the staff requested additional information regarding whether the standard license conditions proposed for 10 CFR Parts 30, 40 and 70 in the RAI were appropriate for the South Texas Project (STP) Units 3 and 4 COLA. In part, the response dated December 8, 2009, states that the proposed license conditions described in the RAI were considered appropriate to support STP Units 3 and 4 COL, except for a request to modify the fourth proposed license condition.

The last paragraph of the response states that no fire protection requirements have been identified in 10 CFR Parts 30 or 40, except as part of the emergency planning requirements of 10 CFR 30.32(i) and 40.32(j). Does this sentence mean that the emergency plan, addressed in 10 CFR 50.32(i)(1)(ii) and (i)(3), will be in place prior to the receipt of byproduct material, even though the next three sentences in the paragraph indicate that an emergency plan may not be needed for either a Part 30 or 40 license? If it is intended for an emergency plan to be implemented prior to receipt, possess, and use of byproduct material, update Item 14 in FSAR Table 13.4S-1, "Operational Programs Required by NRC Regulation and Program Implementation."

In addition, even though RAI 01-15 states that the staff believes that its current review of the STP COLA will identify the necessary controls regarding the receipt of new fuel on site in accordance with 10 CFR Part 70, discuss whether or not the emergency preparedness program will be implemented prior to the receipt of new fuel. If the emergency preparedness program (or applicable portions of the program) will be implemented prior to the receipt of new fuel, update Item 14 in FSAR Table 13.4S-1, "Operational Programs Required by NRC Regulation and Program Implementation."

Enclosure