



South Texas Project Electric Generating Station 4000 Avenue F – Suite A Bay City, Texas 77414

September 9, 2010
U7-C-STP-NRC-100207

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
Revised Response to Request for Additional Information

Reference: Letter Mark McBurnett to Document Control Desk, “Response to Request for Additional Information,” dated July 29, 2010, U7-C-STP-NRC-100184 (ML102140176)

This letter provides a revised response to the NRC staff question included in Request for Additional Information (RAI) letter number 353, related to Combined License Application (COLA) Part 2, Tier 2, Chapter 13.3, Emergency Planning, included as an attachment in the reference letter.

The attachment provides the revised response to RAI question 13.03-74.

Where there are COLA markups, they will be made at the first routine COLA update following NRC acceptance of the RAI response.

There are no commitments in this letter.

If you have any questions regarding this response, please contact Scott Head 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 9/9/2010

Mark McBurnett
Vice-President, Oversight and Regulatory Affairs
South Texas Project Units 3 & 4

fjp

Attachment:

Revised Response to RAI 13.03-74

DO91
NRC

STI 32746709

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

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

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

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

Alice Hamilton Rogers, P.E.
Inspection Unit Manager
Texas Department of State Health Services
P. O. Box 149347
Austin, Texas 78714-9347

*Steven P. Frantz, Esquire
A. H. Gutterman, Esquire
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington D.C. 20004

*Rocky Foster
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

(electronic copy)

*George F. Wunder
* Rocky Foster
U. S. Nuclear Regulatory Commission

Steve Winn
Joseph Kiwak
Eli Smith
Nuclear Innovation North America

Peter G. Nemeth
Crain, Caton & James, P.C.

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy

QUESTION 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."

REVISED RESPONSE:

The response addresses the NRC's questions related to Parts 30 and 40 and Part 70 separately below.

Parts 30 and 40

The RAI quotes only a portion of the STPNOC's Response to RAI 01-15. The full paragraph stated as follows:

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 40.31(j). 10 CFR 30.32(i) applies to byproduct material "in unsealed form, on foils or plated sources, or

sealed in glass" in excess of the quantities in 30.72 Schedule C. No sources have been identified that meet this description. 10 CFR 40.31(j) relates to an application to possess uranium hexafluoride and therefore is also not applicable.

Thus, the full RAI response indicates that 10 CFR 30.32(i) and 40.31(j) are not applicable to STP Units 3 and 4 prior to operation. Therefore, it is not intended that the emergency plan be implemented prior to receipt, possession, or use of byproduct material for STP Units 3 and 4, because the byproduct and source material to be received and used at STP Units 3 and 4 prior to operation (e.g., sealed sources and new fuel) does not fall within the bounds of 10 CFR 30.32(i) and 40.31(j).

Part 70

As described in the DCD Section 12.3.4.3 'Pertinent Design Parameters and Requirements,' "...criticality accident requirements of 10CFR70.24 are not needed when specialized high density fuel storage racks preclude the possibility of criticality accident under normal and abnormal conditions." STP Units 3 & 4 COLA FSAR 12.3 incorporates by reference this section of the DCD. Therefore, the emergency preparedness program will not be required to be implemented prior to receipt of new fuel, since an accident involving Special Nuclear Material (SNM) is not probable based on the storage of this material in high density fuel racks.

Table 13.4S-1 Operational Programs Required by NRC Regulation and Program Implementation

Item	Program Title	Program Source (Required By)	FSAR (SRP) Section	Implementation	
				Milestone	Requirement
14	Emergency Planning	10 CFR 50.47 10 CFR 50, App E	13.3	<p>Full participation exercise conducted within 2 years of scheduled date for initial fuel load</p> <p>Onsite exercise conducted within 1 year before the scheduled date for initial fuel load</p> <p>Applicant's detailed implementing procedures for its emergency plan submitted no less than within 180 days prior to scheduled date for initial fuel load</p>	<p>10 CFR 50, App E.IV.F.2a(ii)</p> <p>10 CFR 50, App E.IV.F.2a(ii)</p> <p>10 CFR 50, App E.V</p>