



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

July 20, 2011

Mr. R.W. Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**SUBJECT: REQUEST FOR WAIVER OF ACRS REVIEW OF FINAL RULE: U.S.
ADVANCED BOILING WATER REACTOR AIRCRAFT IMPACT DESIGN
CERTIFICATION AMENDMENT (RIN 3150-AI84)**

Dear Mr. Borchardt:

During the 585th meeting of the Advisory Committee on Reactor Safeguards, July 13-15, 2011, we reviewed the request from the Division of New Reactor Licensing, Office of New Reactors (NRO), dated June 27, 2011, asking the ACRS to waive our review of the Final Rule on the U.S. Advanced Boiling Water Reactor (ABWR) Design Certification Amendment. The amendment to the certified ABWR design requested by the South Texas Project Nuclear Operating Company (STPNOC) on June 30, 2009, addresses the requirements of 10 CFR 50.150, "Aircraft Impact Assessment."

Our letter, dated September 20, 2010, to the Commission documented our review of the staff's safety evaluation report (SER) related to the requested amendment to the ABWR design certification. In that letter we stated that the design certification amendment application and the staff's SER were acceptable subject to satisfactory closure of issues related to the Notice of Violation resulting from the staff's inspection and our Recommendation 2. Our Recommendation 2 relates to the environmental qualification of the Alternate Feedwater System instrumentation.

We find the request to waive ACRS review of the subject final rule to be acceptable because the changes to the final rule described in the June 27, 2011, request do not affect our conclusions.

Sincerely,

/RA/

Said Abdel-Khalik
Chairman

REFERENCES

1. Letter to Chairman Jaczko, "Report on the Safety Aspects of the South Texas Project Nuclear Operating Company Application to Amend the Certified U.S. ABWR Design to Incorporate the Aircraft Impact Assessment Rule," September 20, 2011 (ML102630190)
2. Response Letter from R. W. Borchardt, EDO, "Response to the Advisory Committee on Reactor Safeguards Letter: Report on the Safety Aspects of the South Texas Project Nuclear Operating Company's Application to Amend the Certified U.S. Advanced Boiling-Water Reactor Design to Incorporate the Aircraft Impact Assessment Rule," dated October 27, 2010 (ML102800574)
3. Memorandum to E. M. Hackett from D. B. Matthews, "Request for Waiver of ACRS Review of Final Rule: U.S. Advanced Boiling Water Reactor Aircraft Impact Design Certification Amendment (RIN 3150-A184)," dated June 27, 2011 (ML111520426)

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1. Letter to Chairman Jaczko, "Report on the Safety Aspects of the South Texas Project Nuclear Operating Company Application to Amend the Certified U.S. ABWR Design to Incorporate the Aircraft Impact Assessment Rule," September 20, 2011 (ML102630190)
2. Response Letter from R. W. Borchardt, EDO, "Response to the Advisory Committee on Reactor Safeguards Letter: Report on the Safety Aspects of the South Texas Project Nuclear Operating Company's Application to Amend the Certified U.S. Advanced Boiling-Water Reactor Design to Incorporate the Aircraft Impact Assessment Rule," dated October 27, 2010 (ML102800574)
3. Memorandum to E. M. Hackett from D. B. Matthews, "Request for Waiver of ACRS Review of Final Rule: U.S. Advanced Boiling Water Reactor Aircraft Impact Design Certification Amendment (RIN 3150-A184)," dated June 27, 2011 (ML111520426)

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Letter to R.W. Borchardt, Executive Director for Operations, from S. Abdel-Khalik, ACRS Chairman, dated July 20, 2011

SUBJECT: REQUEST FOR WAIVER OF ACRS REVIEW OF FINAL RULE: U.S. ADVANCED BOILING WATER REACTOR AIRCRAFT IMPACT DESIGN CERTIFICATION AMENDMENT (RIN 3150-AI84)

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