

February 10, 2009

Mr. Mark McBurnett, Vice President
Regulatory Affairs
South Texas Project Nuclear Operating Company
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT UNITS 3 AND 4 COMBINED LICENSE APPLICATION
REVIEW SCHEDULE

Dear Mr. McBurnett:

By letter dated January 29, 2008, the U.S. Nuclear Regulatory Commission (NRC) informed you that the NRC staff will develop a schedule for the detailed technical review of the South Texas Project Nuclear Operating Company (STPNOC) combined license application (COLA) for South Texas Project (STP) Units 3 and 4 after you have resolved any vendor support issues and any COLA revisions necessary to allow a staff review of your application in full. This letter transmits that schedule.

The STP Units 3 and 4 COLA review schedule encompasses both the environmental and safety technical reviews. The schedule is specific to the STP Units 3 and 4 COLA and is based, in part, on the high degree of standardization with the Advanced Boiling Water Reactor (ABWR) design and the overall quality of the application. The environmental review supports issuance of a final Environmental Impact Statement (EIS) in March 2011. The safety review supports issuance of a final Safety Evaluation Report (SER) in September 2011. Milestones for both the safety and the environmental reviews are provided in Table 1.

The staff has not identified any technical, policy, or regulatory issues that would prevent the NRC from proceeding with the licensing review and therefore are resuming the STP COLA review in full. At this point in the review the staff believes that Toshiba Power Systems Company (Toshiba) can support the review of a COLA referencing the certified U.S. ABWR design. We will continue to assess Toshiba's ability to provide a certified design through future inspections and audits. The final documentation of the staff's review of STPNOC's demonstration that Toshiba is qualified as an alternate vendor of the U.S. certified ABWR will be part of the staff's final SER issued in support of any future COL.

It should be noted that the STP Units 3 and 4 COLA, pursuant to Title 10 of The *Code of Federal Regulations* (10 CFR) Part 52, incorporates by reference the U.S. ABWR design approved and certified in 1997 by the NRC in Appendix A to 10 CFR Part 52. In addition, the COLA review schedule is based, in part on the assumption that responses to the staff's requests for additional information (RAI) will be submitted within 30 days of receipt for RAIs specific to STP Units 3 and 4. It is anticipated that responses to RAIs will be complete and provide information sufficient to resolve the staff's concerns.

Consistent with staff practice, the STP Units 3 and 4 COLA schedule does not model the hearing process. The schedule for the mandatory hearing will be developed by the Commission or the Atomic Safety and Licensing Board and, therefore, is not included in Table 1.

The staff will review and re-baseline, if appropriate, the safety review schedule when the SER with open items is issued (Phase 2). At this point, the staff will have improved information regarding achievable milestones based upon the number and complexity of the open items. Similarly, the staff will revise as necessary, the environmental review schedule, when the staff acquires improved information regarding issues that may impact the schedule for issuance of the draft EIS.

It is the staff's intent to establish a predictable review schedule and a review process that supports identification and resolution of complex issues as early in the review as possible. To that end, the staff intends to interact with STPNOC as the COLA review progresses to address schedule details and potential schedule refinements.

Should you have any questions regarding the schedule, please contact me at (301) 415-1494 or george.wunder@nrc.gov.

Sincerely,

/RA/

George F. Wunder, Senior Project Manager
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-012, 52-013

Enclosure:
As stated

cc w/encl: See next page

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Sincerely,

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George F. Wunder, Senior Project Manager
 ESBWR/ABWR Projects Branch 2
 Division of New Reactor Licensing
 Office of New Reactors

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Table 1: South Texas Projects Units 3 and 4 COLA Review Schedule

<u>Phase of Safety Review</u>	<u>Target Completion Date</u>
P1 RAIs for all SER chapters	9/18/2009
P2 SER with open items (OIs) for all chapters	4/22/2010
P3 Advisory Committee on Reactor Safeguards (ACRS) review of SER with OIs	08/2010
P4 SER with no OIs	4/2011
P5 ACRS review of Advanced SER with no OIs	7/2011
P6 Final SER issued	9/2011

<u>Phase of Environmental Review</u>	<u>Target Completion Date</u>
P1 Scoping	9/26/2008 (Actual)
P2 Draft Environmental Impact Statement (DEIS)	3/2010
P3 Draft Environmental Impact Statement Comment Period	9/2010
P4 Final Environmental Impact Statement (FEIS)	3/2011

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(Revised 02/09/2009)

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