

January 19, 1989

Docket No. 50-498

Mr. J. H. Goldberg
Group Vice-President, Nuclear
Houston Lighting & Power Company
P. O. Box 1700
Houston, Texas 77001

Dear Mr. Goldberg:

**SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING -
SOUTH TEXAS PROJECT, UNIT 1**

Enclosed is a copy of the subject notice which relates to your application for amendment dated January 17, 1989 to revise the South Texas Project, Unit 1 license (NPF-76). The proposed amendment would modify the technical specifications such that the combined technical specifications that will be issued with the full power license for Unit 2 will also be applicable to Unit 1.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

15/

George F. Dick, Jr., Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

DF01
1/1

DISTRIBUTION

Docket File
LRubenstein
CAbbate
ACRS (10)

NRC PDR
J. Calvo
OGC-White Flint
PD4 Plant File

Local PDR
P. Noonan
DHagan

PD4 Reading
GDick
GPA/PA

PD4/LA *pm*
PNoonan
01/19/89

GDick
PD4/PM
GDick:sr
01/19/89

PD4/D *MC*
JCalvo
01/19/89

8902030216 890119
PDR ADOCK 05000498
P PDC



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 19, 1989

Docket No. 50-498

Mr. J. H. Goldberg
Group Vice-President, Nuclear
Houston Lighting & Power Company
P. O. Box 1700
Houston, Texas 77001

Dear Mr. Goldberg:

**SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING -
SOUTH TEXAS PROJECT, UNIT 1**

Enclosed is a copy of the subject notice which relates to your application for amendment dated January 17, 1989 to revise the South Texas Project, Unit 1 license (NPF-76). The proposed amendment would modify the technical specifications such that the combined technical specifications that will be issued with the full power license for Unit 2 will also be applicable to Unit 1.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "George F. Dick, Jr.".

George F. Dick, Jr., Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. J. H. Goldberg
Houston Lighting and Power Company

cc:
Brian Berwick, Esq.
Assistant Attorney General
Environmental Protection Division
P. O. Box 12548
Capitol Station
Austin, Texas 78711

Mr. J. T. Westermeier
General Manager, South Texas Project
Houston Lighting and Power Company
P. O. Box 289
Houston, Texas 77483

Mr. R. J. Miner
Chief Operating Officer
City of Austin Electric Utility
721 Barton Springs Road
Austin, Texas 78704

Mr. R. J. Costello
Mr. M. T. Hardt
City Public Service Board
P. O. Box 1771
San Antonio, Texas 78296

Jack R. Newman, Esq.
Newman & Holtzinger, P. C.
1615 L Street, NW
Washington, D.C. 20036

Melbert Schwartz, Jr., Esq.
Baker & Botts
One Shell Plaza
Houston, Texas 77002

Mrs. Peggy Buchorn
Executive Director
Citizens for Equitable Utilities, Inc.
Route 1, Box 1684
Brazoria, Texas 77422

Mr. S. L. Rosen
General Manager, Operations Support
Houston Lighting and Power Company
P. O. Box 289
Wadsworth, Texas 77483

South Texas Project

Resident Inspector/South Texas
Project
c/o U.S. Nuclear Regulatory Commission
P. O. Box 910
Bay City, Texas 77414

Mr. Jonathan Davis
Assistant City Attorney
City of Austin
P. O. Box 1088
Austin, Texas 78767

Ms. Pat Coy
Citizens Concerned About Nuclear
Power
10 Singleton
Eureka Springs, Arkansas 72632

Mr. M. A. McBurnett
Manager, Operations Support Licensing
Houston Lighting and Power Company
P. O. Box 289
Wadsworth, Texas 77483

Mr. A. Zaccaria
Mr. K. G. Hess
Bechtel Corporation
P. O. Box 2166
Houston, Texas 77001

Mr. R. P. Verret
Mr. R. L. Range
Central Power and Light Company
P. O. Box 2121
Corpus Christi, Texas 78403

Doub, Muntzing and Glasgow
Attorneys at Law
Suite 400
808 Seventeenth Street, N.W.
Washington, D.C. 20006

Mr. J. H. Goldberg
Houston Lighting & Power

- 2 -

South Texas Project

cc:
Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Office of Executive Director
for Operations
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Mr. Lanny Sinkin,
Counsel for Intervenor
Citizens Concerned about Nuclear Power, Inc.
Christic Institute
1324 North Capitol Street
Washington, D.C. 20002

Licensing Representative
Houston Lighting and Power Company
Suite 610
Three Metro Center
Bethesda, Maryland 20814

Rufus S. Scott
Associate General Counsel
Houston Lighting & Power Company
P. O. Box 1700
Houston, Texas 77001

INPO
Records Center
1100 Circle 75 Parkway
Atlanta, Georgia 30339-3064

Joseph M. Hendrie
50 Bellport Lane
Bellport, New York 11713

Gerald E. Vaughn, Vice President
Nuclear Operations
Houston Lighting & Power Company
P. O. Box 289
Wadsworth, Texas 77483

R. N. Chewning, Chairman
Nuclear Safety Review Board
Houston Lighting & Power Company
P. O. Box 289
Wadsworth, Texas 77483

UNITED STATES REGULATORY COMMISSIONHOUSTON LIGHTING & POWER COMPANYDOCKET NO. 50-498NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-76, issued to Houston Lighting & Power Company (the licensee), for operation of the South Texas Project, Unit 1, located in Matagorda County, Texas.

The proposed amendment would revise the Unit 1 Technical Specifications to incorporate the Unit 1/Unit 2 Combined Technical Specifications which are to be issued with the Unit 2 full power license. At the time Unit 2 receives an operating license, Houston Lighting & Power Company (HL&P) will receive Technical Specifications that are applicable for both units, i.e., Combined Technical Specifications. To implement the Combined Technical Specifications on Unit 1, the Unit 1 license requires an administrative change.

The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include example (1), A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error or a change in nomenclature.

8902030218 890119
PDR ADOCK 05000498
P PDC

The proposed changes for the Combined Technical Specifications are administrative in nature, and, therefore, are within the scope of the example. Since the changes are encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that this section of the amendment involves no significant hazards consideration.

The staff has reviewed the proposed amendment and the licensee's no significant hazards consideration determination. Based on the review of the proposed areas of change and the above discussions, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 8:15 am to 4:00 pm. Copies of written comments may be examined at the NRC Public Document Room, 2120 L Street NW, Washington, DC 20555. The filings of requests for hearing and petitions for leave to intervene is discussed below.

By March 6, 1989 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and

state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, N.W., Washington D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel-Rockville, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the request should be granted based upon a balancing of the factors specified in 10 CFR 2.714 (a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 17, 1989 which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555, and at the Wharton Junior College Library, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488 and Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701.

Dated at Rockville, Maryland, this 19th day of January 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

Jose A. Calvo

Jose A. Calvo, Director
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation