



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 18, 2009

Mr. Edward D. Halpin  
Chief Nuclear Officer  
STP Nuclear Operating Company  
South Texas Project  
P.O. Box 289  
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 - ISSUANCE OF AMENDMENTS  
RE: IMPLEMENTATION OF TSTF-511, REVISION 0, "ELIMINATE WORKING  
HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH  
10 CFR PART 26" (TAC NOS. ME0936 AND ME0937)

Dear Mr. Halpin:

The Commission has issued the enclosed Amendment No. 192 to Facility Operating License No. NPF-76 and Amendment No. 180 to Facility Operating License No. NPF-80 for the South Texas Project, Units 1 and 2, respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to the STP Nuclear Operating Company's application dated March 3, 2009.

The amendments revise the TSs to eliminate working hour restrictions from TS 6.2.2 to support compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26. The request is consistent with the guidance contained in U.S. Nuclear Regulatory Commission (NRC)-approved Technical Specifications Task Force (TSTF) Improved Standard Technical Specification change traveler, TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The availability of this improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the Consolidated Line Item Improvement Process.

E. Halpin

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A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohan C. Thadani".

Mohan C. Thadani, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosures:

1. Amendment No. 192 to NPF-76
2. Amendment No. 180 to NPF-80
3. Safety Evaluation

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

STP NUCLEAR OPERATING COMPANY

DOCKET NO. 50-498

SOUTH TEXAS PROJECT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 192  
License No. NPF-76

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by STP Nuclear Operating Company (STPNOC)\* acting on behalf of itself and for NRG South Texas LP, the City Public Service Board of San Antonio (CPS), and the City of Austin, Texas (COA) (the licensees), dated March 3, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

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\*STPNOC is authorized to act for NRG South Texas LP, the City Public Service Board of San Antonio, and the City of Austin, Texas, and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-76 is hereby amended to read as follows:

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 192, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. STPNOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael T. Markley, Chief  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Facility Operating  
License No. NPF-76 and the  
Technical Specifications

Date of Issuance: August 18, 2009



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

STP NUCLEAR OPERATING COMPANY

DOCKET NO. 50-499

SOUTH TEXAS PROJECT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 180  
License No. NPF-80

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by STP Nuclear Operating Company (STPNOC)\* acting on behalf of itself and for NRG South Texas LP, the City Public Service Board of San Antonio (CPS), and the City of Austin, Texas (COA) (the licensees), dated March 3, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

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\*STPNOC is authorized to act for NRG South Texas LP, the City Public Service Board of San Antonio, and the City of Austin, Texas, and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-80 is hereby amended to read as follows:

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 180, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. STPNOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael T. Markley, Chief  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Facility Operating  
License No. NPF-80 and the  
Technical Specifications

Date of Issuance: August 18, 2009

ATTACHMENT TO LICENSE AMENDMENT NOS. 192 AND 180

FACILITY OPERATING LICENSE NOS. NPF-76 AND NPF-80

DOCKET NOS. 50-498 AND 50-499

Replace the following pages of the Facility Operating Licenses, Nos. NPF-76 and NPF-80, and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Facility Operating License No. NPF-76

REMOVE

INSERT

-4-

-4-

Facility Operating License No. NPF-80

REMOVE

INSERT

-4-

-4-

Technical Specifications

REMOVE

INSERT

6-3

6-3

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 192, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. STPNOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

## (3) Not Used

(4) Initial Startup Test Program (Section 14, SER)\*

Any changes to the Initial Test Program described in Section 14 of the Final Safety Analysis Report made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(5) Safety Parameter Display System (Section 18, SSER No. 4)\*

Before startup after the first refueling outage, HL&P[\*\*] shall perform the necessary activities, provide acceptable responses, and implement all proposed corrective actions related to issues as described in Section 18.2 of SER Supplement 4.

(6) Supplementary Containment Purge Isolation (Section 11.5, SSER No. 4)

HL&P shall provide, prior to startup from the first refueling outage, control room indication of the normal and supplemental containment purge sample line isolation valve position.

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\* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

\*\* The original licensee authorized to possess, use and operate the facility was HL&P. Consequently, historical references to certain obligations of HL&P remain in the license conditions.



(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 180 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. STPNOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Not Used

(4) Initial Startup Test Program (Section 14, SR)\*

Any changes to the Initial Test Program described in Section 14 of the Final Safety Analysis Report made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(5) License Transfer

Texas Genco, LP shall provide decommissioning funding assurance, to be held in decommissioning trusts for South Texas Project, Unit 2 (Unit 2) upon the direct transfer of the Unit 2 license to Texas Genco, LP, in an amount equal to or greater than the balance in the Unit 2 decommissioning trust immediately prior to the transfer. In addition, Texas Genco, LP shall ensure that all contractual arrangements referred to in the application for approval of the transfer of the Unit 2 license to Texas Genco, LP to obtain necessary decommissioning funds for Unit 2 through a non-bypassable charge are executed and will be maintained until the decommissioning trusts are fully funded, or shall ensure that other mechanisms that provide equivalent assurance of decommissioning funding in accordance with the Commission's regulations are maintained.

(6) License Transfer

The master decommissioning trust agreement for Unit 2, at the time the direct transfer of Unit 2 to Texas Genco, LP is effected and thereafter, is subject to the following:

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\* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

6.0 ADMINISTRATIVE CONTROLS

6.2 Organization

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6.2.2 Unit Staff (continued)

- c. A radiation protection technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours in order to accommodate unexpected absence, provided immediate action is taken to fill the required position.
- d. Not Used.
- e. The individual to whom the shift managers directly report shall hold an SRO license.
- f. The Shift Technical Advisor (STA) shall provide advisory technical support to the shift manager in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift (Generic Letter 86-04). This position may also be filled by the shift manager or an individual with an SRO license provided that person meets the qualifications specified by the Commission Policy Statement.

6.2.3 Not Used

6.2.4 Not Used

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UNITED STATES  
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 192 AND 180 TO

FACILITY OPERATING LICENSE NOS. NPF-76 AND NPF-80

STP NUCLEAR OPERATING COMPANY, ET AL.

SOUTH TEXAS PROJECT, UNITS 1 AND 2

DOCKET NOS. 50-498 AND 50-499

1.0 INTRODUCTION

By application dated March 3, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090690687), STP Nuclear Operating Company (STPNOC, the licensee) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for changes to the Technical Specifications (TSs) for South Texas Project (STP), Units 1 and 2. The proposed changes would delete paragraph d of STP, Units 1 and 2, TS 6.2.2, "Unit Staff."

The licensee stated that the application is consistent with NRC-approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification change traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The availability of this improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the Consolidated Line Item Improvement Process (CLIIP).

2.0 REGULATORY EVALUATION

The NRC's regulatory requirements related to the content of the TSs are contained in 10 CFR Part 50.36, which requires that the TSs include items in the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The background of the NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). Subpart I of 10 CFR Part 26 provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's guidance for the format and content of licensee's TSs can be found in NUREG-1431, Revision 3, "Standard Technical Specifications Westinghouse Plants" (STS). Section 5 of the STS contains administrative controls. Paragraph d of TS 5.2.2, "Unit Staff," contains NRC's precedent for developing administrative procedures to limit the working hours of personnel who perform safety-related functions. Under TS requirements, licensees limit the working hours of personnel to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. This has resulted in inconsistent implementation of TS requirements and interpretation. This has also made it difficult for NRC to enforce the TS requirements.

To address these problems, the NRC staff developed new requirements of 10 CFR Part 26, Subpart I, that supersede the guidance for requirements limiting the working hours of personnel as described in paragraph d of TS 5.2.2 of STS. Subpart I distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue, which would adversely affect public health and safety, and common defense and security, by establishing clear and enforceable requirements for the management of worker fatigue.

Licensees are required to implement Subpart I by October 1, 2009, as announced in the final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511, Revision 0, proposed a change to the STS that would delete paragraph d of STS 5.2.2.

Proper adoption of TSTF-511, Revision 0, and implementation of 10 CFR Part 26, Subpart I, by STPNOC will provide reasonable assurance that STP, Units 1 and 2, will maintain limits on the working hours of personnel who perform safety-related functions. STPNOC has committed to remove STP, Units 1 and 2, plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

### 3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety, and the common defense and security. As discussed above, work hour controls for STP, Units 1 and 2, are currently located in paragraph d of STP, Units 1 and 2, TS 6.2.2. When implemented, the regulatory requirements of 10 CFR 26, Subpart I, would replace the plant-specific TS requirements found in TS 6.2.2 paragraph d of the STP, Units 1 and 2, TSs.

#### 3.1 Licensee's Regulatory Commitment

To ensure control on the change process, the licensee has committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls.

The NRC staff finds that the licensee's commitment will provide reasonable controls for the implementation and for subsequent evaluation of proposed changes subject to the above described regulatory commitment.

The NRC staff also finds that regulatory commitments are best managed by the licensee's administrative processes included in its commitment management program (see NRC Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000). The above regulatory commitments do not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes). The NRC staff finds that the proposed licensee commitment will adequately ensure effective implementation of the proposed changes. Therefore, the NRC staff finds the proposed commitment acceptable.

### 3.2 Licensee's Deviation from TSTF-511

The changes proposed by STPNOC for STP, Units 1 and 2, have one variation from the TS changes as described in TSTF-511, Revision 0. The equivalent STP, Units 1 and 2, TS work hour restrictions are located in TS 6.2.2, paragraph d. This differs from TSTF-511, Revision 0, where work hour restrictions are located in STS 5.2.2, paragraph d. The NRC staff finds that this difference in numbering is insignificant, as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I. This minor variation proposed for STP Units 1 and 2 TS changes remains bounded by NRC staff's model safety evaluation (73 FR 79923; December 30, 2008) accepting the deletion of paragraph d of TS 5.2.2.

### 3.3 NRC Staff's Evaluation

The NRC staff evaluated the licensee's proposed change against the applicable precedents in TSTF-511 and regulatory requirements listed in Section 2.0 above. The NRC staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I, concurrently with the deletion of TS work hour control requirements in its evaluation of the proposed change. Based on its evaluation, the NRC staff concludes that there is reasonable assurance that the licensee will develop adequate procedures to ensure compliance with the new regulations for work hour controls established in 10 CFR Part 26, Subpart I, for STP, Units 1 and 2. Also, the NRC staff expects that the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and common defense and security. Therefore, the NRC staff finds the proposed changes acceptable.

## 4.0 REGULATORY COMMITMENT

In its March 3, 2009, letter, the licensee stated that it will make the following regulatory commitment:

Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. This commitment will be completed no later than the implementation deadline of October 1, 2009.

The NRC staff finds this commitment acceptable.

## 5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Texas State official was notified of the proposed issuance of the amendment. The State official had no comments.

## 6.0 ENVIRONMENTAL CONSIDERATION

The amendments change administrative procedures or requirements. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

## 7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: A. Marrero

Date: August 18, 2009

E. Halpin

- 2 -

A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA by Balwant K. Singal for/

Mohan C. Thadani, Senior Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosures:

1. Amendment No. 192 to NPF-76
2. Amendment No. 180 to NPF-80
3. Safety Evaluation

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\*SE memo dated

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