



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

October 14, 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 – WITHDRAWAL OF LICENSE
AMENDMENT REQUEST TO REVISE THE APPLICATION OF RISK-
MANAGED TECHNICAL SPECIFICATIONS TO TECHNICAL SPECIFICATION
3.7.7, "CONTROL ROOM MAKEUP AND CLEANUP FILTRATION SYSTEM"
(TAC NOS. ME1853 AND ME1854)

Dear Mr. Halpin:

By letter dated July 29, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092180668), STP Nuclear Operating Company (the licensee) submitted a license amendment request for South Texas Project (STP), Units 1 and 2. The proposed amendment request would have revised the application of Risk-Managed Technical Specifications (RMTS) by using a bounding analysis to apply the Configuration Risk Management Program (CRMP) to the dose mitigation function for Technical Specification (TS) 3.7.7, "Control Room Makeup and Cleanup Filtration System." The letter also proposed to revise the action requirement for an inoperable control room envelope (CRE) boundary.

The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of the amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the TSs) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

The NRC staff performed its acceptance review of the application, and on August 31, 2009, informed Mr. Wayne Harrison of your staff that the licensee's application can not be applied in the manner proposed in the amendment. In particular, the NRC staff informed your staff that application of risk management to radiological doses was not consistent with the Nuclear Energy Institute's guidance, which was, in part, the basis for NRC's approval of application of

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RMTS. The NRC staff suggested that STPNOC supplement its applications and provide the information to address the above concerns.

By letter dated September 15, 2009 (ADAMS Accession No. ML092720462), you requested to withdraw the application from NRC review. This letter advises you that your application is being treated as withdrawn and the associated Technical Assistance Control numbers have been closed. If you have any additional questions, please contact me at 301-415-1476 or by email at mohan.thadani@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohan Thadani", written in a cursive style.

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

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Sincerely,

/RA/

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

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ADAMS Accession No. ML092600125

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