

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE COMMISSION**

<b>In the matter of:</b>	)	
	)	
	)	<b>Docket Nos. STN 50-498-LT</b>
	)	
<b>South Texas Project Units 1 and 2</b>	)	<b>STN-50-499-LT</b>
	)	<b>72-1041-LT</b>
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**NOTICE OF WITHDRAWAL OF MOTION AND PETITION TO INTERVENE  
OF THE CITY OF AUSTIN, TEXAS, D/B/A AUSTIN ENERGY**

The City of Austin, Texas, d/b/a Austin Energy (“Austin”) hereby withdraws its Motion to Dismiss License Transfer Application, Immediately Stay NRC Proceedings, and Petition to Intervene, which Austin jointly filed with The City of San Antonio, Texas, acting by and through the City Public Service Board of San Antonio (“CPS Energy”), a Texas municipally-owned utility, on July 31, 2023 (ADAMS Accession No. ML23212B248) (“Motion and Petition”) and supplemented on August 14, 2023 (ADAMS Accession No. ML23226A268) (“Supplemental Contention”). Austin understands that CPS Energy is filing a similar notice of withdrawal contemporaneously with this filing.

The basis for this Notice of Withdrawal is as follows:

1. On June 12, 2023, STP Nuclear Operating Company (“STPNOC”) submitted an Application for Order Approving Indirect Transfer of Control of Licenses (ADAMS Accession No. ML23163A176) (“Application”) requesting approval to transfer NRG South Texas LP’s (“NRG”) ownership interest in South Texas Project Electric Generating Station (“STP”) to Constellation Energy Generation, LLC (“Constellation”) (STPNOC, Constellation, NRG, and

NRG's parent companies are collectively referred to herein as "Applicants"). On July 31, 2023, Austin and CPS Energy filed the Motion and Petition challenging the Application and supplemented it with the Supplemental Contention on August 14, 2023.

2 On October 30, 2023, NRC staff issued an order approving the Application and authorizing Applicants to transfer the STP licenses, subject to the Commission's authority to resolve Austin's and CPS Energy's pending filings (ADAMS Accession No. ML23279A038). On November 1, 2023, Constellation and NRG closed the underlying transaction, and NRC staff issued conforming amendments reflecting the indirect transfer of the STP licenses to Constellation (ADAMS Accession No. ML23298A000).

3 On May 2, 2024 Austin entered into a settlement agreement with Constellation and NRG that resolves, among other things, Austin's challenges to the transfer of STP ownership to Constellation. Austin has agreed to withdraw all NRC filings challenging the Application and the underlying transaction. Accordingly, Austin hereby gives notice that it withdraws the Motion and Petition and the Supplemental Contention.

Austin has coordinated with counsel for CPS Energy and understands that CPS Energy intends to file a similar notice of withdrawal dated the same day as this Notice. Accordingly, Austin understands that there is no longer any active challenge to the Application pending before the Commission.

RESPECTFULLY SUBMITTED,

ANNE L. MORGAN, CITY ATTORNEY

/s/ Don Ballard

DON BALLARD

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May 6, 2024

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NUCLEAR REGULATORY COMMISSION**

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Withdrawal of Motion and Petition To Intervene has been served through the E-Filing system on the participants in the above-captioned proceeding this 6 day of May 2024.

/s/ Don Ballard

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