

December 4, 2007

Mr. M. R. Blevins
Executive Vice President
& Chief Nuclear Officer
Luminant Generation Company LLC
ATTN: Regulatory Affairs
P. O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 –
ISSUANCE OF AMENDMENTS RE: REVISION TO TECHNICAL
SPECIFICATION 5.5.8, INSERVICE TESTING PROGRAM (TAC NOS. MD4072
AND MD4073)

Dear Mr. Blevins:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 140 to Facility Operating License No. NPF-87 and Amendment No. 140 to Facility Operating License No. NPF-89 for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to your application dated December 19, 2006.

The amendments revise CPSES, Units 1 and 2, TS 5.5.8 to update references to the American Society of Mechanical Engineers Code for Operation and Maintenance of Nuclear Power Plants, and to indicate the applicability of the provisions of TS Surveillance Requirement 3.0.2.

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

Sincerely,

/RA/

Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosures: 1. Amendment No. 140 to NPF-87
2. Amendment No. 140 to NPF-89
3. Safety Evaluation

cc w/encls: See next page

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ADAMS Accession Nos.: Pkg ML073110162 (Amdt/License ML073110163, TS Pgs ML073110180)

(*)SE dated 10/18/2007

(**)See previous concurrence

| OFFICE | NRR/LPL4/PM | NRR/LPL4/LA | ITSB/DIRS | OGC - NLO w/comments | NRR/LPL4/BC |
|--------|-------------|----------------|------------|----------------------|-------------|
| NAME | BSingal(**) | JBurkhardt(**) | TKobetz(*) | APHodgdon (**) | THiltz |
| DATE | 11/20/07 | 11/19/07 | 10/18/07 | 11/27/07 | 12/3/07 |

OFFICIAL AGENCY RECORD

Comanche Peak Steam Electric Station

cc:

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LUMINANT GENERATION COMPANY LLC
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1
DOCKET NO. 50-445
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 140
License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Luminant Generation Company LLC dated December 19, 2006, 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.

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-87 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 140 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan as indicated in the attachment to this license amendment.

3. The license amendment is effective as of its date of issuance and shall be implemented within 120 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Thomas G. Hiltz, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License No. NPF-87
and Technical Specifications

Date of Issuance: December 4, 2007

LUMINANT GENERATION COMPANY LLC
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2
DOCKET NO. 50-446
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 140
License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Luminant Generation Company LLC dated December 19, 2006, 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.

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-89 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 140 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 120 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Thomas G. Hiltz, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License No. NPF-89
and Technical Specifications

Date of Issuance: December 4, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 140

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 140

TO FACILITY OPERATING LICENSE NO. NPF-89

DOCKET NOS. 50-445 AND 50-446

Replace the following pages of the Facility Operating License Nos. NPF-87 and NPF-89, 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-87

REMOVE

INSERT

3

3

Facility Operating License No. NPF-89

REMOVE

INSERT

3

3

Technical Specifications

REMOVE

INSERT

5.0-12

5.0-12

- (3) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, and described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (5) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source, and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (6) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Luminant Generation Company LLC is authorized to operate the facility at reactor core power levels not in excess of 3458 megawatts thermal in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 140, the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

Deleted: and

- (3) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, and described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (5) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source, and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (6) Luminant Generation Company LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level
Luminant Generation Company LLC is authorized to operate the facility at reactor core power levels not in excess of 3458 megawatts thermal in accordance with the conditions specified herein.
 - (2) Technical Specifications and Environmental Protection Plan
The Technical Specifications contained in Appendix A as revised through Amendment No. [140](#) and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
 - (3) Antitrust Conditions
DELETED

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 140 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 140 TO

FACILITY OPERATING LICENSE NO. NPF-89

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By application dated December 19, 2006 (Agencywide Documents Access and Management System Accession No. ML070580123), TXU Generation Company LP (now Luminant Generation Company LLC, the licensee), proposed a license amendment to change the Technical Specifications (TSs) for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2.

The license amendment request (LAR) proposes to revise the CPSES, Units 1 and 2 TS 5.5.8, "Inservice Testing Program," to incorporate administrative changes. The changes reflect the current configuration of the plant.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TSs as part of the license. These TSs are derived from the plant safety analyses.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed the proposed changes for compliance with Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36 and agreement with the precedent as established in NUREG-1431, Revision 3.1, "Standard Technical Specifications, Westinghouse Plants," dated December 1, 2005. In general, licensees cannot justify TS changes solely on the basis of adopting the model Standard Technical Specifications (STS). To ensure this, the staff makes a determination that proposed changes maintain adequate safety. Changes that result in relaxation (less restrictive condition) of current TS requirements require detailed justification.

In general, there are two classes of changes to TSs: (1) changes needed to reflect contents of the design basis (TSs are derived from the design basis), and (2) voluntary changes to take

advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. The proposed amendment concerns the second class of change; namely, administrative changes that reflect the current configuration of the plant.

Licensees may revise the technical specifications to adopt improved STS format and content provided that a plant-specific review supports a finding of continued adequate safety because: (1) the change is editorial, administrative, or provides clarification (i.e., no requirements are materially altered); (2) the change is more restrictive than the licensee's current requirement; or (3) the change is less restrictive than the licensee's current requirement, but nonetheless still affords adequate assurance of safety when judged against current regulatory standards. The detailed application of this general framework, and additional specialized guidance, are discussed in Section 3.0 in the context of specific proposed changes.

3.0 TECHNICAL EVALUATION

The licensee's TS revision proposes to make changes that are editorial, administrative or provide clarification. In order for these changes to be acceptable, the NRC staff must determine that the changes are compatible with current TS, do not result in any substantive change in operating requirements, and are consistent with the Commission's regulations.

The licensee proposes to adopt the administrative TS changes contained in TS Task Force (TSTF)-479, Revision 0 (TSTF-479), "Changes to Reflect Revision of 10 CFR 50.55a," and TSTF-497, Revision 0 (TSTF-497), "Limit Inservice Testing Program SR [Surveillance Requirement] 3.0.2 Application to Frequencies of 2 Years or Less."

TSTF-479 revised the Inservice Testing Program (IST) located in Chapter 5 of the STS to reflect the latest approved version of the American Society of Mechanical Engineers Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) consistent with the requirements of 10 CFR 50.55a. TSTF-479 also revised paragraph b of STS Chapter 5 IST by adding "[t]he provisions of SR 3.0.2 are applicable to the above required Frequencies and other normal and accelerated Frequencies specified in the Inservice Testing (IST) Program for performing inservice testing activities." This requirement refers to testing frequencies specified in the table in paragraph a of STS Chapter 5, which only lists test frequency intervals of 2 years or less. Since the licensee's proposed TS change does not affect the maximum 2-year valve test interval, TSTF-479 does not alter the TS requirements and is consistent with the guidance provided in NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants."

To clarify the applicability of the provisions of TS SR 3.0.2, TSTF-497 revised the sentence in paragraph b to state: "[t]he provisions of SR 3.0.2 are applicable to the above required Frequencies and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program for performing inservice testing activities." This is an administrative change to clearly state that the provisions of SR 3.0.2 are applicable to IST frequency intervals of 2 years or less. The licensee's revision adopts TSTF-479 and TSTF-497 changes to Section 5.5.8 of the CPSES Units 1 and 2 TSs to reflect the latest approved version of the ASME OM Code, the applicability of the provisions of SR 3.0.2, and additional wording to clarify that the test interval extension in the inservice testing program applies only to test intervals of 2 years or less.

4.0 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.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding published May 22, 2007 (72 FR 28724). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). 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.

6.0 CONCLUSION

The licensee's proposed changes in this LAR are acceptable since the changes to CPSES Units 1 and 2 and TS requirements do not result in any substantive change in operating requirements, and are consistent with the Commission's regulations, and conform to the requirements of 10 CFR 50.55a. On this basis, the NRC staff concludes that the proposed TS changes are acceptable.

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: Gerald Waig

Date: December 4, 2007