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CPSES-20001174
Log # TXX-00099
File # 10010

May 10, 2000

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
CONTROL OF HAZARD BARRIERS

- REF: 1) TXU Electric letter, logged TXX-98029, from C. L. Terry to USNRC dated February 13, 1998
- 2) NRC Letter from John N. Hannon to C. L. Terry dated May 28, 1998
- 3) TXU Electric letter, logged TXX-98161, from C. L. Terry to NRC dated August 14, 1998
- 4) TXU Electric letter, logged TXX-99109, from C. L. Terry to NRC dated April 29, 1999

Gentlemen:

On February 13, 1998, TXU Electric requested, via reference 1, that the Office of NRR review and concur with a position on allowed out-of-service time for non-technical specification equipment important to safety. On May 28, 1998, the NRC returned the request, via reference 2, and suggested that the appropriate approach to resolve the issue was to develop a generic topical report that would provide the basis for the acceptability of removing hazard barriers from service. Such an approach had been discussed at a meeting on April 10, 1997, between the NRC staff and several licensees (including TU Electric, Southern California Edison, and Pacific Gas & Electric). On August 14, 1998, via reference 3, TXU Electric, on behalf of Southern California Edison Co., Nebraska Public Power District and TXU Electric, submitted

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such a topical report. On February 26, 1999, these licensees met with the NRC Staff to discuss the topical report. Reference 4 provided TXU Electric's understanding of the open items requiring action as a result of the meeting, including the NRC's review of the positions presented by TXU Electric at the meeting.

On May 4, 2000, TXU Electric participated in a telephone discussion with Mr. Gary Holahan (and other members of the Office of NRR staff;) and Southern California Edison staff personnel concerning the regulatory issues associated with removing hazard barriers from service. TXU Electric's understanding of that phone call is that the NRC will be providing generic guidance to the industry in the near term that will deal with TXU Electric's concerns in this area through an appropriate application of the existing and subsequently revised programs: the facility's technical specifications, section (a)(4) of the maintenance rule (10 CFR 50.65), provisions of 10 CFR 50.59, and NRC Generic Letter 91-18. Based on that phone call and in consideration of the pending NRC generic guidance, TXU Electric wishes to withdraw its request for the Office of NRR review of the topical report submitted via reference 3. It is our understanding based on discussions with Southern California Edison and Nebraska Public Power District personnel that neither of those entities desire to pursue the review of this topical report at this time independent of TXU Electric.

TXU Electric believes that the actions taken by TXU Electric, Southern California Edison, and Nebraska Public Power District to resolve this issue have essentially led the NRC to conclude that the resolution of this issue is generic in nature and not plant specific. Therefore, TXU Electric believes the funding associated with this review should be associated with generic licensing services to the industry rather than docket specific licensing fees and consequently requests a refund of all fee charges associated with this issue on the CPSES dockets.

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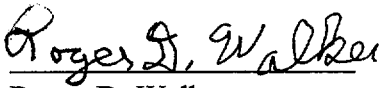
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This communication contains no new licensing basis commitments regarding CPSES Units 1 and 2.

Sincerely,



C. L. Terry

By: 

Roger D. Walker
Regulatory Affairs Manager

RDW/gp

c - E. W. Merschoff, Region IV
J. I. Tapia, Region IV
D. H. Jaffe, NRR
Resident Inspectors, CPSES