



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 5, 2000

Mr. C. Lance Terry
Senior Vice President
& Principal Nuclear Officer
TXU Electric
Attn: Regulatory Affairs Department
P. O. Box 1002
Glen Rose, TX 76043

**SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES), UNITS 1 AND 2 -
ISSUANCE OF AMENDMENTS RE: CHANGES TO THE SECURITY PLAN
(TAC NOS. MA8885 AND MA8886)**

Dear Mr. Terry:

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 82 to Facility Operating License No. NPF-87 and Amendment No. 82 to Facility Operating License No. NPF-89 for CPSES, Units 1 and 2, respectively. The amendments consist of changes to the CPSES Security Plans in response to your application dated May 2, 2000, as supplemented by letter dated August 30, 2000.

The proposed changes to the CPSES Security Plans are as follows: (1) to allow response team members to perform compensatory measures for protective area intrusion detection or closed circuit television failure, (2) to post compensatory measures for vital doors only if both the alarm and lock are inoperable, (3) to modify vital area door alarm response if no unresolved protective area alarms are received, (4) to eliminate the need to perform vehicle ignition key checks within the protected area, (5) to modify the patrol frequency for the protected area, (6) to eliminate the need to search generic packages sealed at the point of manufacturing and sent to a site from a general distribution center (e.g., pallet of paper), and (7) to allow material/equipment to be sealed prior to exiting the protective area or searched and sealed in a location exterior to the protective area (this would permit material/equipment to be transferred from one site to another without an additional search).

The Commission staff has completed its evaluation of the proposed changes to the CPSES Security Plan, as detailed in the enclosed Safety Evaluation. Of the changes proposed by the licensee, changes (1) and (5) are acceptable, change (2) is not applicable to CPSES and is thus denied, change (3) is unacceptable and is thus denied, change (4) is not a Security Plan commitment associated with CPSES and thus is denied, and changes (6) and (7) are currently approved in the CPSES Security Plan and thus are denied. The denial of proposed changes (2), (3), (4), (6) and (7) was discussed with Mr. R. Walker, of your staff, in a telephone conversation with me on October 24, 2000.

RWR

NRR - 058

C. Lance Terry

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A copy of the Notice of Partial Denial, applicable to proposed changes (2), (3), (4), (6) and (7), to be published in *Federal Register* is enclosed for your information. The Notice of Issuance, applicable to changes (1) and (5) will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

- Enclosures: 1. Amendment No. 82 to NPF-87
- 2. Amendment No. 82 to NPF-89
- 3. Safety Evaluation
- 4. Notice of Partial Denial

cc w/encls: See next page

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Comanche Peak Steam Electric Station

cc:

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

TXU ELECTRIC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

DOCKET NO. 50-445

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 82
License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by TXU Electric dated May 2, 2000, as supplemented August 30, 2000, 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 and paragraph 2.H of Facility Operating License No. NPF-87 is hereby amended to read as follows:

- H. TXU Electric shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification, and safeguards contingency plans, previously approved by the Commission, and all amendments made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Comanche Peak Steam Electric Station Physical Security Plan" with revisions submitted through August 30, 2000, with limited approvals as provided for in the Safety Evaluation by the Office of Nuclear Reactor Regulation dated December 5, 2000; "Comanche Peak Steam Electric Station Security Training and Qualification Plan" with revisions submitted through May 18, 2000; and "Comanche Peak Steam Electric Station Safeguards Contingency Plan" with revisions submitted through April 9, 1999.
3. The license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Gramm, Chief, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Date of Issuance: December 5, 2000



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

TXU ELECTRIC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

DOCKET NO. 50-446

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 82
License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by TXU Electric dated May 2, 2000, as supplemented August 30, 2000, 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 and paragraph 2.H of Facility Operating License No. NPF-89 is hereby amended to read as follows:

- H. TXU Electric shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification, and safeguards contingency plans, previously approved by the Commission, and all amendments made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Comanche Peak Steam Electric Station Physical Security Plan" with revisions submitted through August 30, 2000, with limited approvals as provided for in the Safety Evaluation by the Office of Nuclear Reactor Regulation dated December 5, 2000; "Comanche Peak Steam Electric Station Security Training and Qualification Plan" with revisions submitted through May 18, 2000; and "Comanche Peak Steam Electric Station Safeguards Contingency Plan" with revisions submitted through April 9, 1999.
3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Gramm, Chief, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Date of Issuance: December 5, 2000



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 82 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 82 TO

FACILITY OPERATING LICENSE NO. NPF-89

TXU ELECTRIC

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By application dated May 2, 2000, as supplemented by letter dated August 30, 2000, TXU Electric (the licensee) requested changes to the Security Plan for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. The proposed changes to the Security Plan are as follows: (1) to allow response team members to perform compensatory measures for protective area intrusion detection or closed circuit television failure, (2) to post compensatory measures for vital doors only if both the alarm and lock are inoperable, (3) to modify vital area door alarm response if no unresolved protective area alarms are received, (4) to eliminate the need to perform vehicle ignition key checks within the protected area, (5) to modify the patrol frequency for the protected area, (6) to eliminate the need to search generic packages sealed at the point of manufacturing and sent to a site from a general distribution center (e.g., pallet of paper), and (7) to allow material/equipment to be sealed prior to exiting the protective area or searched and sealed in a location exterior to the protective area (this would permit material/equipment to be transferred from one site to another without an additional search).

2.0 BACKGROUND

In the application dated May 2, 2000, as supplemented by letter dated August 30, 2000, the licensee proposed changes to the CPSES Security Plan as an industry initiative, requesting that with approval of proposed changes, the industry be allowed to incorporate each change at their respective site, using the guidance of 10 CFR 50.54(p). This "industry" aspect of the application is currently under review by U. S. Nuclear Regulatory Commission (NRC or the Commission) staff and will be addressed under separate cover. The following Safety Evaluation addresses the acceptability of the proposed changes only as they would apply to the CPSES Security Plan.

3.0 EVALUATION

3.1 Proposed Change (1) - To Allow Response Team Members to Perform Compensatory Measures

The assignment of dedicated response personnel to compensatory positions does not preclude their ability to respond to observed intrusions. In this instance, they have the means and ability to determine whether or not a threat exists and assess the extent of the threat as required by 73.55(h)(4)(i). The security organization also has the ability (in accordance with 73.55(h)(4)(iii)) to take immediate concurrent measures to neutralize the threat. In the event that the situation is not an observed intrusion, the armed responder still maintains the capability to take immediate actions.

The licensee's application, as amended, cites NRC Regulatory Guide 5.62, "Reporting of Safeguards Events," Revision 1, November 1987, as the guideline for compensatory practices. Although the NRC staff finds no caveats in this guideline to preclude use of response personnel for compensatory measures, this guideline is for reporting purposes. Compensatory requirements are stated in 10 CFR 73.55(g)(1) and are the responsibility of the licensee to determine. The requirement is for licensees to develop and employ compensatory measures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security-related equipment or structures. Neither 10 CFR 73.55(g)(1) nor 10 CFR 73.55(h)(4) precludes response personnel from performing compensatory measures when response capability is maintained.

The proposed wording of the CPSES Security Plan states that response force personnel would "...have no duties that would interfere with their availability for response in the event of a security contingency." This wording ensures response personnel are not outside of their response time lines.

Based upon the above, the NRC staff concludes that this proposed change to the CPSES Security Plan is acceptable.

3.2 Proposed Change (3) - Modification of Vital Area Door Alarm Response

The NRC staff reviewed the request to modify vital area door alarm response if no unresolved protective area alarms are received. The response requirements set forth in 10 CFR 73.55(h)(4) require security personnel to assess the extent of the threat. The assessment requires three steps: (1) Determine whether or not a threat exists, (2) assess the extent of the threat, if any, and (3) take immediate, concurrent measures to neutralize the threat. An assessment on vital area alarm cannot be made without assessment aids, so to determine whether a threat exists, the licensee must send a response officer. The response officer determines whether a threat exists, and if so, the extent. Based on this information, immediate, concurrent measures can be implemented. The licensee has not addressed how this requirement of the rule can be accomplished without sending response personnel.

Additionally, the licensee requests to modify the response based on the status of protected area alarms. While protected area alarms may give the licensee indication of an external adversary, this concept does not take into consideration the possibility of an internal adversary or insider as described in 10 CFR 73.1(a)(1). The licensee has not addressed how this requirement will be met.

Based upon the above, the NRC staff concludes that this proposed change to the CPSES Security Plan is unacceptable and is thus denied.

3.3 Proposed Change (5) - Modification of Frequency of Patrols

The NRC staff reviewed the request to modify the frequency of patrols of the protected area. The requirement of 10 CFR 73.55(c)(4) states "[a]ll exterior areas within the protected area shall be periodically checked...." Regulatory Guide 5.43, "Plant Security Force Duties," January 1975, recommended patrols be planned so that no one area of the facility is toured less frequently than once every four hours.

When initial security plans were submitted for approval, a deviation from the industry guideline would require a justification for an alternate period. As the industry was new, alternate justification did not exist and most sites had rudimentary surveillance capabilities. Since then, licensee's have increased the surveillance capabilities, improved intrusion detection systems, and increased response preparedness. Also, current response strategies suggest that responders maintain dedicated response positions within range of defense of critical systems and not place themselves in vulnerable, open positions.

The regulation requires that protected areas be checked on a periodic basis. With the increase in electronic surveillance capabilities and the changes in response strategies, the intent of the rule is met when periodic checks are performed once per shift. Patrols can be random, responsive to plant activities, and can be completed in portions, with a complete patrol being performed once per shift.

Based upon the above, the NRC staff concludes that this proposed change to the CPSES Security Plan is acceptable.

3.4 Remaining Proposed Changes to the Security Plan

As noted above, proposed changes (1) and (5) to the CPSES Security Plan are acceptable while proposed change (3) is unacceptable and is thus, denied. With regard to the remaining proposed changes to the CPSES Security Plan, change (2) is not applicable to CPSES and is thus denied, change (4) is not a security plan commitment associated with CPSES and thus is denied, and changes (6) and (7) are currently approved in the CPSES Security Plan and thus are denied.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Texas State official was notified of the proposed issuance of the amendments. 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 (65 FR 59226, dated October 4, 2000). 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 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: B. Schnetzler
D. Jaffe

Date: December 5, 2000

UNITED STATES NUCLEAR REGULATORY COMMISSION**TXU ELECTRIC****DOCKET NOS. 50-445 AND 50-446****COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2****NOTICE OF PARTIAL DENIAL OF AMENDMENT TO FACILITY OPERATING LICENSE****AND OPPORTUNITY FOR HEARING**

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by TXU Electric, (the licensee) for an amendment to Facility Operating License Nos. NPF-87 and NPF-89 issued to the licensee for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas. Notice of Consideration of Issuance of this amendment was published in the FEDERAL REGISTER on October 4, 2000 (65 FR 59226).

The purpose of the licensee's amendment request was to revise the CPSES Security Plan as follows: (1) to allow response team members to perform compensatory measures for protective area intrusion detection or closed circuit television failure, (2) to post compensatory measures for vital doors only if both the alarm and lock are inoperable, (3) to modify vital area door alarm response if no unresolved protective area alarms are received, (4) to eliminate the need to perform vehicle ignition key checks within the protected area, (5) to modify the patrol frequency for the protected area, (6) to eliminate the need to search generic packages sealed at the point of manufacturing and sent to a site from a general distribution center (e.g., pallet of paper), and (7) to allow material/equipment to be sealed prior to exiting the protective area or searched and sealed in a location exterior to the protective area (this would permit material/equipment to be transferred from one site to another without additional search).

The U.S Nuclear Regulatory Commission (the Commission) staff has completed its evaluation of the proposed changes to the CPSES Security Plan as detailed in the Safety Evaluation dated December 5, 2000. Of the changes proposed by the licensee, changes (1) and (5) are acceptable, change (2) is not applicable to CPSES and is thus denied, change (3) is unacceptable and is thus denied, change (4) is not a Security Plan commitment associated with CPSES and thus is denied, and changes (6) and (7) are currently approved in the CPSES Security Plan and thus are denied.

The licensee was notified of the Commission's denial of proposed Security Plan changes (2), (3), (4), (6) and (7) by a letter dated December 5, 2000.

By January 12, 2001, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555-000, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to George L. Edgar, Esq., Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington DC 20036-5869, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated May 2, 2000, and the supplement dated August 30, 2000, and (2) the Commission's letter to the licensee dated December 5, 2000.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 5th day of December 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'S.A. Richards', written over a horizontal line.

**Stuart A. Richards, Project Director
Project Directorate IV-1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation**