



TXU Energy
Comanche Peak Steam
Electric Station
P.O. Box 1002 (E01)
Glen Rose, TX 76043
Tel. 254 897 8920
Fax 254 897 6652
lance.terry@txu.com

C. Lance Terry
Senior Vice President &
Principal Nuclear Officer

Ref: 10CFR50.90

CPSES-200300277
Log # TXX-03027

February 11, 2003

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
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
FOR LICENSE AMENDMENT REQUEST (LAR) 02-08
DELETION OF OPERATING LICENSE SECTION 2.E (TAC No.
MB2203 and MB2204)**

REF: 1) TXU Energy Letter, logged TXX-02088, from C.L. Terry dated July 25, 2002.

Gentlemen:

Pursuant to 10CFR50.90, TXU Generation Company LP (TXU Energy) requested an amendment to the CPSES Unit 1 Operating License (NPF-87) and CPSES Unit 2 Operating License (NPF-89) via reference 1 above.

LAR 02-08 proposed, in part, to delete Section 2.E of CPSES Operating Licenses which requires reporting any violations of the requirements contained in Section 2.C.

Subsequently, the NRC requested supporting justification for deletion of License Condition 2.E. The TXU Energy response to the RAI is included in the attachment.

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

ASD1

A member of the **STARS** (Strategic Teaming and Resource Sharing) Alliance

Callaway • Comanche Peak • Diablo Canyon • Palo Verde • South Texas Project • Wolf Creek

TXX-03027

Page 2 of 2

I state under penalty of perjury that the foregoing is true and correct.

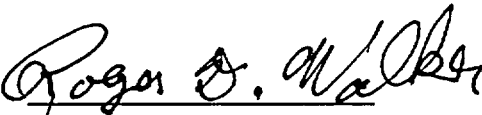
Executed on February 11, 2003

Sincerely,

TXU Generation Company LP

By: TXU Generation Management Company LLC,
Its General Partner

C. L. Terry
Senior Vice President and Principal Nuclear Officer

By: 
Roger D. Walker
Regulatory Affairs Manager

DWS/ds

Attachment

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

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
FOR LICENSE AMENDMENT REQUEST (LAR) 02-08
DELETION OF OPERATING LICENSE SECTION 2.E**

NRC Question

Provide supporting justification for deletion of License Condition 2.E.

TXU Response

License Condition 2.E. requires reporting of violations of the requirements of Section 2.C except for 2.C(2) and 2.C(3). Section 2.C contains additional License Conditions 2.C(1) Maximum Power Level, and Conditions 2.C(4), 2.C(5), 2.C(6), and 2.C(7) dealing with License Transfer.

The Conditions of License Transfer were added by Amendment 90, in January 2002 and primarily deal with decommissioning trust funds and transfer of electric energy production facilities. Section 2.C(7) contains its own stand alone reporting requirement. Section 2.C(4), 2.C(5) and 2.C(6) are administrative provisions for the decommissioning trust fund with appropriate notification requirements and were not intended to have 24 hour notification requirements under License Condition 2.E. In addition, the NRC Final Rule for Decommissioning Trust Provisions (67FR78332) was published on December 24, 2002 and will separately control the trust fund's provisions. Changes to the CPSES Operating License based on the new rule were requested separately in TXX-03023, dated February 5, 2003.

Operating License Section 2.C. (1) states:

TXU Generation Company LP 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.

Operating License Section 2.E requires that TXU Energy notify the NRC Operations Center via the Emergency Notification System of violations of the requirements in Section 2.C within 24 hours and with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73. The requirements of Section 2.E of the license are adequately addressed by the reporting requirements identified in 10 CFR 50.72 and 10 CFR 50.73. Specifically, 10 CFR 50.72(b)(3)(ii) and 10CFR 50.73(a)(2)(ii)

require reporting any event or condition that results(ed) in the "nuclear power plant being in an unanalyzed condition that significantly degrades plant safety." However, recognizing that PWRs are inherently load-following, it is expected that, on occasion, the reactor power may slightly exceed the licensed reactor core power level for short periods of time. Consistent with the discussions previously provided in TXU Energy letter TXX-01042 (LAR 01-05 approved by the NRC), the process provided in the NRC Inspection Procedure 61706 (7/14/86) is used to assess whether these slight power excursions meet any of the cited reporting criteria.