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C. Lance Terry
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Ref: EA-03-038

CPSSES-2003 01167
Log # TXX-03098

June 3, 2003

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

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
ATTN: Rulemaking and Adjudications Staff
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSSES)
DOCKET NOS. 50-445 AND 50-446
35 DAY RESPONSE TO NRC ORDER COMPENSATORY
MEASURES RELATED TO FITNESS-FOR-DUTY
ENHANCEMENTS APPLICABLE TO NUCLEAR FACILITY
SECURITY FORCE PERSONNEL
(EA-03-038)

REFERENCE: Letter dated April 29, 2003, from S. J. Collins, USNRC, Holders
of Licenses for Operating Power Reactors, Order for
Compensatory Measures Related to Fitness-for-Duty
Enhancements Applicable to Nuclear Facility Security Force
Personnel (EA-03-038)

Gentlemen:

By this letter TXU Generating Company LP (TXU Energy) hereby answers the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) ("Order"). Pursuant to Section IV of the Order and 10 CFR §2.202, TXU Energy requests an extension of time in which to submit information in response to the Order and to request

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a hearing. In addition, TXU Energy requests the Nuclear Regulatory Commission (NRC) provide certain information to ensure TXU Energy fully understands the underlying bases of the Order and, therefore, can most effectively implement its individual requirements.

Section II of the Order states that, “[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel.”

The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for TXU Energy to understand the rationale for the requirements. TXU Energy therefore requests, that the NRC provide: the bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has determined that fatigue was the cause or a major contributing factor in those events or incidents.

As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown, in that no basis or rationale for the Order has been demonstrated. Thus, TXU Energy requests that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Sections B.1 and 2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order. Section III.C. of the Order requires that “[a]ll licensees shall within thirty-five (35) days of the date of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachment 2 of the Order.” Subject to the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, TXU Energy will achieve compliance with all applicable requirements not later than October 29, 2003.

TXU Energy also hereby confirms its understanding that the Commission intends to exercise enforcement discretion to accommodate issues that may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. TXU Energy further understands, that the Commission will exercise enforcement discretion for the period necessary to resolve such issues, and to integrate the requirements of this Order with the orders issued February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plans, security plans and security officer training and qualification plans.

This response is hereby submitted to the Commission in accordance with 10 CFR §50.4 and 10 CFR §2.202. No new commitments have been identified associated with this Order due to all changes being obligatory and effecting changes to facility licenses.

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If you have any questions concerning this matter, please contact me at (254) 897-8920, or Mr. Don Alps at (254) 897-5432.

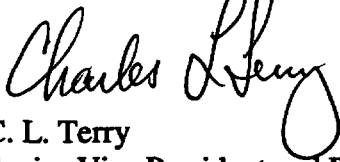
I state under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 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

NSH/nh

c.:

T. P. Gwynn, Region IV

W. D. Johnson, Region IV

D. H. Jaffe, NRR

Resident Inspectors, CPSES

Assistant General Counsel for Materials Litigation and Enforcement (NRC)

Director, Office of Nuclear Reactor Regulation (NRC)