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**C. Lance Terry**  
Senior Vice President &  
Principal Nuclear Officer

Ref: 10CFR50.90

CPSES-200301835  
Log # TXX-03154  
File # 00236

August 29, 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 CLARIFICATION RELATED TO  
LICENSE AMENDMENT REQUEST 03-01, REVISION TO  
TECHNICAL SPECIFICATION (TS) BASES  
(TAC NOS. MB7984 and MB7985)**

REF: 1) TXU Energy Letter, logged TXX-03012, from C. L. Terry to U. S.  
Nuclear Regulatory Commission dated March 6, 2003

Gentlemen:

This purpose of this letter is to reply to your request of August 28, 2003 for clarification of our conclusion that submittal of License Amendment Request 03-01, in accordance with the provisions of 10CFR50.90, was required in order to eliminate the requirement to perform response time testing for selected Engineered Safety Feature (ESF) and Reactor Trip System (RTS)-protection channel equipment.

CPSES Technical Specification (TS) 5.5.14b states "Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:

1. a change in the TS incorporated in the license; or
2. a change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59."

CPSES TS 5.5.14d goes on to state "Proposed changes that meet the criteria of Specification 5.5.14b above shall be reviewed and approved by the NRC prior to implementation".

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In evaluating the changes proposed in our License Amendment Request in accordance with the provisions of 10 CFR 50.59, TXU Energy concluded the use of allocated response times for the subject protection channel equipment in lieu of actual performance of response time tests met the criteria stated in 10 CFR 50.59(c)(2)(viii), i.e., the proposed use of allocated response times would constitute a "...departure from a method of evaluation described in the FSAR (as updated) used in establishing the design basis or in the safety analysis."

Therefore, TXU Energy concluded that a license amendment request was required in accordance with the provisions of 10 CFR 50.90 and CPSES TS 5.5.14d even though the changes contemplated did not affect the license or the Technical Specifications incorporated in the license.

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

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

Executed on August 29, 2003

Sincerely,

TXU Generation Company LP

By: TXU Generation Management Company LLC,  
Its General Partner



James J. Kelley, Jr.  
Vice President, Nuclear Engineering & Support

RAS/ras

c - T. P. Gwynn, Region IV  
W. D. Johnson, Region IV  
D. H. Jaffe, NRR  
Resident Inspectors, CPSES