



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

## SAFEGUARDS INFORMATION

October 28, 2004

Mr. Mike Blevins  
Senior Vice President and Chief Nuclear Officer  
TXU Power  
Comanche Peak Steam Electric Station  
P.O. Box 1002 (E01)  
Glen Rose, TX 76043

**SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSES IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT) AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATIONS PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NOS. MC2906 AND MC2907)**

Dear Mr. Blevins:

By letter dated April 28, 2004, TXU Generation Company LP submitted a supplemental response in accordance with Order EA-03-086, the Order Requiring compliance with the revised design basis threat, dated April 29, 2003, (DBT Order) for Comanche Peak Steam Electric Station, Units 1 and 2. Section III.A of the Order requires licensees to revise their physical security plans (PSP), training and qualification plans (T&Q Plan), and safeguards contingency plans (SCP) to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the PSP, SCP, and T&Q Plans submitted in your letter dated April 29, 2004, as supplemented on May 27, July 8, July 15, July 22, August 2, August 27, September 10, September 29, October 11, and October 13, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans in order to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

**NOTICE: Enclosure 2 contains Safeguards Information. Upon separation from Enclosure 2, this letter and Enclosure 1 are DECONTROLLED.**

## SAFEGUARDS INFORMATION

The NRC staff has determined that subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements that, when effectively implemented, will provide the required high assurance that the Comanche Peak Steam Electric Station, Units 1 and 2 will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for Comanche Peak Steam Electric Station, Units 1 and 2. However, ultimately, the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such, your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirement and meet the high assurance objective of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

<b>Approved Alternatives to the Requirements of 10 CFR Part 73</b>			
<b>SE Section</b>	<b>PSP Section</b>	<b>Alternative to 10 CFR</b>	<b>Description</b>
3.6.2	6.2	73.55(c)(2)	Separation of Protected Area (PA) and Vital Area (VA) barriers
3.6.2	6.2	73.55(c)(3)	Isolation Zones
3.9.4.3	9.4.3	73.55(d)(4)	PA vehicle search requirements
3.9.4.4	9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of VAs to PA status (devitalization)

Finally, consistent with the DBT Order, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, administrative license changes to FOL Nos. NPF-87 and NPF-89 are being made to incorporate the reference to the revised PSP, SCP, and T&Q Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

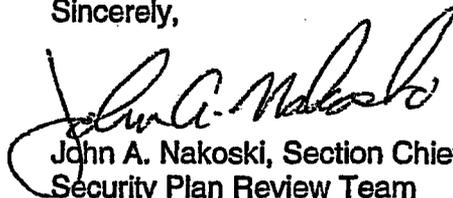
Please replace the enclosed pages to your FOLs as indicated in Enclosure 1.

Mr. Blevins

-3-

A copy of our SE (designated as Safeguards Information), is provided as Enclosure 2.

Sincerely,



John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosures: 1. Administrative Change to FOL Nos. NPF-87 and NPF-89  
2. Safety Evaluation (Safeguards Information)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Don R. Alps, Site Security Manager

Mr. Blevins

- 3 -

A copy of our SE (designated as Safeguards Information), is provided as Enclosure 2.

Sincerely,

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosures: 1. Administrative Change to FOL Nos. NPF-87 and NPF-89  
2. Safety Evaluation (Safeguards Information)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Don R. Alps, Site Security Manager

DISTRIBUTION w/o Enclosure 2:

PUBLIC      SPRT R/F      OGC      ACRS      DJohnson      MThadani  
RGramm      HBerkow      GHill (4)      DLPM DPR      TBoyce      AHowell, RIV

Accession No.:

OFFICE	SPRT/TL	SPRT/PM	SPRT/PL	SPRT/PL	OGC	NSIR/SC	NRR/SC
NAME	PPeduzzi	MChernoff	JPeralta	JPeralta	JHeck	SMorris	JNakoski
DATE	10-20-04	10-28-04	10-26-04	10-26-04	10-25-04	10/27/04	10/27/04

DOCUMENT NAME: E:\Final SE Submittals\Comanche Peak\Comanche Cover Letter.wpd

OFFICIAL RECORD COPY

**Comanche Peak Steam Electric Station**

cc w/o encl.:

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**Terry Parks, Chief Inspector  
Texas Department of Licensing  
and Regulation  
Boiler Program  
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Austin, TX 78711**



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TXU GENERATION COMPANY, LP

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

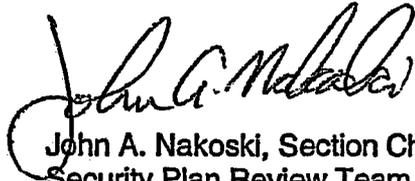
License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order Requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL NPF-87 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans required by the DBT Order. These changes comply 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, 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 administrative license change 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 administrative license change 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 administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 28, 2004

**CHANGES TO FACILITY OPERATING LICENSE NO. NPF-87**

**DOCKET NO. 50-445**

Replace the following page of the Facility Operating License NPF-87 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

**Remove Page**

**7**

**Insert Page**

**7**

- (2) For the unowned subsurface mineral rights within the exclusion area not covered in item (1), TXU Generation Company LP will prohibit the exploration and/or exercise of mineral rights until and unless the licensee and the owners of the mineral rights enter into an agreement which gives TXU Generation Company LP absolute authority to determine all activities -- including times of arrival and locations of personnel and the authority to remove personnel and equipment -- in event of emergency. If the mineral rights owners attempt to exercise their rights within this area without first entering into such an agreement, TXU Generation Company LP must institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
  - (3) TXU Generation Company LP shall promptly notify the NRC of any attempts by subsurface mineral rights owners to exercise mineral rights, including any legal proceeding initiated by mineral rights owners against TXU Generation Company LP.
- G. TXU Generation Company LP shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report through Amendment 78 and as approved in the SER (NUREG-0797) and its supplements through SSER 24, subject to the following provision:
- TXU Generation Company LP may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- H. TXU Generation Company LP shall fully implement and maintain in effect all provisions of the physical security, 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 combined set of plans, which contains safeguards information protected under 10 CFR 73.21, is entitled: "Comanche Peak Steam Electric Station Physical Security Plan, Security Training and Qualification Plan, Safeguards Contingency Plan" and was submitted on October 11, 2004, and supplemented on October 13, 2004.
- I. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- J. NOT USED



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TXU GENERATION COMPANY, LP

DOCKET NO. 50-446

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 2

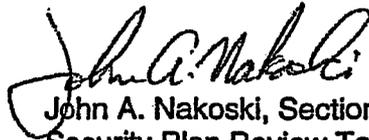
ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL No. NPF-89 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans required by the DBT Order. These changes comply 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, 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 administrative license change 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 administrative license change 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 administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 28, 2004

**CHANGES TO FACILITY OPERATING LICENSE NO. NPF-89**

**DOCKET NO. 50-446**

Replace the following page of the Facility Operating License NPF-89 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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**Insert Page**

**7**

- (2) For the unowned subsurface mineral rights within the exclusion area not covered in item (1), TXU Generation Company LP will prohibit the exploration and/or exercise of mineral rights until and unless the licensee and the owners of the mineral rights enter into an agreement which gives TXU Generation Company LP absolute authority to determine all activities -- including times of arrival and locations of personnel and the authority to remove personnel and equipment -- in event of emergency. If the mineral rights owners attempt to exercise their rights within this area without first entering into such an agreement, TXU Generation Company LP must institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
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- J. NOT USED