March 26, 2007

Mr. M. R. Blevins
Senior Vice President
& Chief Nuclear Officer
TXU Power
ATTN: Regulatory Affairs
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - ISSUANCE OF AMENDMENTS RE: REVISE LISTING OF LOCA AND NON-LOCA METHODOLOGIES (TAC NOS. MD0185 AND MD0186)

Dear Mr. Blevins:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 135 to Facility Operating License No. NPF-87 and Amendment No. 135 to Facility Operating License No. NPF-89 for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to your application dated February 21, 2006 (CPSES-200600123), as supplemented by letter dated March 19, 2007 (CPSES-200700571).

The amendments revise TS 5.6.5 entitled, “Core Operating Limits Report (COLR),” by adding two reports providing Loss-of-Coolant Accident (LOCA) and non-LOCA analysis methodologies for CPSES, Unit 1.

A copy of our related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Jack Donohew, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosures:
1. Amendment No. 135 to NPF-87
2. Amendment No. 135 to NPF-89
3. Safety Evaluation

cc w/encls: See next page

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OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	SPWB/BC	OGC - NLO	NRR/LPL4/BC
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DATE	3/26/07	3/21/07	3/19/07	3/21/07	3/23/07

OFFICIAL RECORD COPY

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TXU GENERATION COMPANY LP

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

DOCKET NO. 50-445

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 135
License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by TXU Generation Company LP dated February 21, 2006, as supplemented by letter dated March 19, 2007, 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 by changes to the Technical Specifications and paragraph 2.C.(2) of Facility Operating License No. NPF-87 as indicated in the attachment to this license amendment.

3. The license amendment is effective as of its date of issuance and shall be implemented within 120 days from the date of issuance, but no later than the entry into Mode 5 in the restart of Unit 1 from its spring 2007 refueling outage.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

David Terao, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License and
Technical Specifications

Date of Issuance: March 26, 2007

TXU GENERATION COMPANY LP

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

DOCKET NO. 50-446

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 135
License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by TXU Generation Company LP dated February 21, 2006, as supplemented by letter dated March 19, 2007, 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 by changes to the Technical Specifications and paragraph 2.C.(2) of Facility Operating License No. NPF-89 as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance and shall be implemented within 120 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

David Terao, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License and
Technical Specifications

Date of Issuance: March 26, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 135

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 135

TO FACILITY OPERATING LICENSE NO. NPF-89

DOCKET NOS. 50-445 AND 50-446

Replace the following pages of the Facility Operating Licenses, Nos. NPF-87 and NPF-89, and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Facility Operating License No. NPF-87

REMOVE	INSERT
-3-	-3-

Facility Operating License No. NPF-89

REMOVE	INSERT
-3-	-3-

Technical Specifications

REMOVE	INSERT
5.0-34	5.0-34

(3) TXU Generation Company LP, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, and described in the Final Safety Analysis Report, as supplemented and amended;

(4) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

(5) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source, and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and

(6) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

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.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 135 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. TXU Generation Company LP shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) TXU Generation Company LP, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, and described in the Final Safety Analysis Report, as supplemented and amended;

(4) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

(5) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source, and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and

(6) TXU Generation Company LP, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

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.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 135 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. TXU Generation Company LP shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan. |

(3) Antitrust Conditions

DELETED

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 135 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 135 TO

FACILITY OPERATING LICENSE NO. NPF-89

TXU GENERATION COMPANY LP

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By application dated February 21, 2006, as supplemented by letter dated March 19, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML060580195 and MLXXXXXXXXX[1], respectively), TXU Generation Company LP (the licensee) requested changes to the Technical Specifications (TSs) for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. The proposed changes would revise TS 5.6.5 entitled, "Core Operating Limits Report (COLR)," to add two plant-specific topical reports on loss-of-coolant accident (LOCA) and non-LOCA analysis methodologies used at CPSES, Units 1 and 2.

The supplemental letter dated March 19, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on June 6, 2006 (71 FR 32609).

2.0 REGULATORY EVALUATION

In Section 50.36 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.36), the Commission established its regulatory requirements related to the content of the TSs. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operations (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. The rule does not specify the particular requirements to be included in a plant's TSs. As stated in 10 CFR 50.36(c)(2)(i), the "[l]imiting conditions for operation are the lowest functional capability or performance levels of equipment

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[1] The ADAMS Accession number was not available when the amendment was issued.

required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specifications ..." The administrative controls in the TSs are the requirements relating to plant organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

Guidance on the relocation of cycle-specific TS parameters to the COLR is provided to all power reactor licensees and applicants in Nuclear Regulatory Commission (NRC) Generic Letter (GL) 88-16, "Removal of Cycle-Specific Parameter Limits from Technical Specifications," dated October 3, 1988. In the GL, the NRC staff stated that license amendments are generally required every refueling outage to update the cycle-specific parameter limits in the TSs; however, there are methodologies developed for the licensee to determine these cycle-specific parameters that have been reviewed and approved by the staff. As a consequence, the NRC staff review of proposed changes to the TSs to update these parameter limits is primarily limited to the confirmation that the updated limits were calculated by the approved methodology and consistent with the appropriate plant-specific safety analysis. Given the redundant and frequent nature of these reviews, processing these TS changes presented an unnecessary burden to the licensees and the NRC staff; however, the creation of the COLR allows licensees to place NRC-approved methodologies in the TSs and make changes using these approved methodologies to the core operating limits without requiring a change to the TSs.

3.0 BACKGROUND

As provided in its application, the licensee stated that the current CPSES steam generators are of the preheat design, which are designated as the Westinghouse D-4 for Unit 1 and D-5 for Unit 2. For these steam generators, approximately 90% of the main feedwater is injected directly into the cold-leg side of the steam generator tube bundle. Baffles direct this main feedwater across the cold-leg tube bundle five times before it exits the preheater region and is allowed to mix with the recirculating fluid and continue to flow through the tube bundle. The remainder of the main feedwater flow is injected above the tube bundle through the auxiliary feedwater nozzle. In CPSES, Unit 1, the original steam generators, with preheaters, are to be replaced with replacement steam generators, which do not contain integral preheaters. The primary difference in the replacement steam generators, which are designated as the Westinghouse Δ76 design, is the use of a feed ring to distribute the main feedwater above the tube bundle in the upper downcomer regions of the steam generators where it mixes with the entirety of the recirculating fluid before entering the tube bundle region.

The replacement steam generators are being installed at CPSES, Unit 1, in the current refueling outage for Unit 1, which is scheduled to end on or about April 30, 2007.

The purpose of topical report ERX-04-005 is to describe the effects of the Δ76 feed-ring steam generators on the non-LOCA transient and accident analysis methodologies currently used for both CPSES, Unit 1, and Unit 2. Significant changes to the applications of those methodologies, made necessary by the replacement of the original D-4 preheat steam generator design in Unit 1, are also described. Report ERX-04-005 is a supplement to the current methodologies which will continue to be used to support both CPSES units; however, the report only applies to CPSES, Unit 1, because it is the only CPSES unit installing the replacement steam generators at this time.

The purpose of topical report ERX-04-004 is to describe the effects of the Δ76 feed-ring steam generators on the LOCA transient and accident analysis methodologies currently used for both CPSES, Unit 1, and Unit 2. Significant changes to the applications of those methodologies, made necessary by the replacement of the original D-4 preheat steam generator design in Unit 1, are also described. Report ERX-04-004 is a supplement to the current methodologies which will continue to be used to support both CPSES units; however, report ERX-04-004 only applies to CPSES, Unit 1, and only to CPSES, Unit 1, Operating Cycle 13. This is the operating cycle following the current refueling outage of Unit 1, in which the replacement steam generators are being installed. This operating cycle is scheduled to begin on or after April 30, 2007.

4.0 TECHNICAL EVALUATION

4.1 Proposed Changes to the TSs

In its supplemental letter, the licensee proposed to add the following two topical reports to the list of NRC-approved analytical methods to calculate the core operating limits in TS 5.6.5.b:

1. ERX-04-004-A, "Replacement Steam Generator Supplement to TXU Power's Large and Small Break Loss of Coolant Accident [LOCA] Analysis Methodologies," Revision 0, [dated] January 2005.

2. ERX-04-005-A, "Application of TXU Power's Non-LOCA Transient Analysis Methodologies to a Feed Ring Steam Generator Design," Revision 0, [dated] January 2005.

These are proposed changes to the administrative controls section of the TSs.

The licensee is not adding any new core operating limits in the TSs to TS 5.6.5.a that lists the limits and associated specifications in the TSs contained within the COLR.

4.2 Topical Reports ERX-04-004 and ERX-04-005

The NRC staff reviewed the above two topical reports that describe revised accident analysis methodologies that are necessary to support the operation of CPSES, Unit 1, after the replacement of its steam generators in 2007. The NRC staff issued its approval of modeling and methodology changes for the replacement steam generators, which are described in the two topical reports, in its letter and safety evaluation (SE) dated March 15, 2007 (ADAMS Accession No. ML070720034). For the licensee to be able to apply these topical reports to the core operating limits for CPSES, Units 1 and 2, the topical reports have to be added to TS 5.6.5.b. This is the purpose of this amendment request.

In its letter and SE for the topical reports ERX-04-004 and ERX-04-005, the NRC staff approved the licensee's use of the topical reports, but included the following conditions:

Condition 1 The licensee will perform a benchmark analysis to the first large-scale transient that would provide sufficient information for the benchmarking analysis.

Condition 2 The licensee will apply a 250 °F penalty on the peak cladding temperature (PCT) for the limiting 4-inch diameter break in the cold leg for the CPSES, Unit 1, Cycle 13 small-break LOCA (SBLOCA) analysis.

Condition 3 The licensee will submit a license amendment request to revise TS 5.6.5 to allow the use of the Westinghouse NOTRUMP-based SBLOCA methodology by April 30, 2007.

Condition 4 The licensee will submit a unit-specific evaluation model by July 31, 2007, to be applied to CPSES, Unit 1, beginning with Cycle 14 operation in the fall of 2008.

Also, the use of the two topical reports is limited to only CPSES, Unit 1, and the report ERX-04-004 is further limited to only CPSES, Unit 1, Cycle 13. This is the operating cycle following the current refueling outage for the unit.

4.3 Conditions on Use of Topical Reports ERX-04-004 and ERX-04-005

Condition 1: Perform a Benchmark Analysis

The NRC staff required that the licensee will perform a benchmark analysis to the first large-scale transient that would provide sufficient information for the benchmarking analysis. In its evaluation of the non-LOCA transients, the NRC staff concluded that there is reasonable assurance that the revised model and methodology will adequately predict the performance of CPSES, Unit 1, when operating with the replacement steam generators. This applies to only report ERX-04-005 on the non-LOCA analysis. To ensure that the model is tuned, the staff requested and licensee committed, in its letter dated July 17, 2007 (ADAMS Accession No. ML062050011), in the review of report ERX-04-005 to perform a benchmark analysis of the first large-scale transient that would provide sufficient information for benchmarking the revised model. Because this is a confirmatory analysis, the NRC staff concludes that the topical report can be added to TS 5.6.5.b to be used by the licensee before the confirmatory analysis is completed.

Condition 2: Apply a 250 °F Penalty on the SBLOCA PCT

The reason for the 250 °F penalty on the SBLOCA PCT is addressed in Section 2.2 of the NRC staff's SE dated March 15, 2007, that approved the licensee's use of report ERX-04-004 for CPSES, Unit 1, Cycle 13. The reason involves the use of RELAP5 in the report, which is addressed in Condition 3 below. The licensee agreed to the penalty during the NRC staff review of the report in its letter dated February 22, 2007.

In its letter dated March 19, 2007, the licensee revised its proposed addition of the reports to TS 5.6.5.b in that the licensee proposes to have (1) the NRC staff's SE dated March 15, 2007, added to report ERX-04-004, Revision 0, and issued as ERX-04-004-A, Revision 0, and (2) the report ERX-04-004-A, Revision 0, added to TS 5.6.5.b. The licensee stated that having report ERX-04-004-A, Revision 0, listed in TS 5.6.5.b would require the licensee to include the 250 °F penalty on the SBLOCA PCT. The NRC staff agrees with the licensee and concludes that

adding report ERX-04-004-A, Revision 0, is sufficient for this 250 °F penalty on the SBLOCA PCT to be a requirement on the licensee to use the report for CPSES, Unit 1, Cycle 13.

The NRC staff's SE dated March 15, 2007, is also being added to report ERX-04-005, Revision 0, and being issued as ERX-04-005-A, Revision 0. The report ERX-04-005-A, Revision 0 will also be added to TS 5.6.5.b.

Condition 3: Submit a License Amendment Request

In Section 2.2 of its SE dated March 15, 2007, approving report ERX-04-004, the NRC staff stated the following:

> The purpose of topical report ERX-04-004 is to describe the effects of the Δ76 feed ring steam generators on the LOCA transient and accident analysis methodologies currently used for CPSES, Units 1 and 2. This evaluation provides a review of the TXU Generation Company LP's requested model changes to the current staff approved methods and models for use in evaluating the emergency core cooling system (ECCS) performance for small-break LOCA (SBLOCA) for CPSES, Unit 1. The model changes were submitted to the staff for review and approval in support of the steam generator replacement activities for Unit 1. No modifications to the large-break LOCA methods were proposed by the licensee.
>
> The modeling change consists of modifying the RELAP5 downcomer nodalization to combine the dual inner and outer-ring volumes into a single upper-downcomer volume. In reviewing the model changes and the small-break spectrum submitted by TXU Generation Company LP, the staff noted several concerns with the model and the results of the Advanced Nuclear Fuel (ANF)-based RELAP5 SBLOCA break spectrum. The staff also found that the ECCS evaluation model, in particular the heat-up methodology, did not conform to the requirements to Appendix K of Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.46; specifically, paragraph I.C.4 in that the model allowed a return to nucleate boiling before the reflood phase. The staff also noted unrealistic thermal-hydraulic behavior in the ANF-based RELAP5 code predictions that produced a non-conservative heat-up of the fuel for the limiting break and an atypical loop-seal clearing phenomenon. Because the deficiencies in the ANF-based RELAP5 code were not corrected in a modified version of the NRC staff-approved RELAP5 code and attendant methods, the staff assessed the impact of the modeling concerns and issues on ECCS performance for Unit 1 and determined a penalty on the peak cladding temperature (PCT) to be applied to the results of the heat-up analyses for SBLOCA break spectrum analysis submitted by the licensee. These concerns and conformance issues, along with the basis for the PCT penalty, are discussed further in this section [2.2 on LOCA transients in the safety evaluation dated March 15, 2007].

In Sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, and 2.2.5 of its SE dated March 15, 2007, the NRC staff addressed the lack of RELAP5 validation against integral test data; anomalous RELAP5 steam cooling behavior; RELAP5 noncompliance with the requirements of 10 CFR 50.46, Appendix K; the fact that the NRC staff does not allow credit for the hot-leg nozzle gaps in the SBLOCA in RELAP5; and the loop-seal clearing predicted by RELAP5 was questionable. Because report ERX-04-004 relies in part on RELAP5 and the NRC staff has these concerns with the computer

code, the NRC staff requested that the licensee (1) accept a 250 °F penalty on the PCT for the SBLOCA, and (2) submit a license amendment to transition to the Westinghouse NOTRUMP code for the CPSES, Unit 1, Cycle 14. The report ERX-04-004 is for CPSES Unit1, Cycle 13. In Section 2.2.8 of its SE dated March 15, 2007, the NRC staff stated the following:

> The NRC staff has reviewed the proposed changes to the licensee's ANF-based RELAP5 methodology and as a result of the previously expressed concerns with the RELAP5 and the noncompliance with the requirements of 10 CFR 50.46, Appendix K, the [NRC] staff believes it is appropriate to impose a penalty on the PCT for the limiting 4-inch diameter break in the cold leg and to limit the application of the methodology to CPSES, Unit 1, Cycle 13. In Reference 3 [the licensee's letter dated February 22, 2007], the licensee has agreed to accept the PCT penalty as determined by the staff, and to transition to the Westinghouse NOTRUMP code in support of CPSES, Unit 1, Cycle 14. The licensee's acceptance of the penalty and restriction of application the CPSES Cycle 13 addresses the staff concerns.

Based on this conclusion in the NRC staff's SE dated March 15, 2007, the NRC staff concludes that the license amendment request to "revise TS 5.6.5 to allow the use of the Westinghouse NOTRUMP-based small break LOCA methodology by April 30, 2007" does not apply to the use of report ERX-04-004 for CPSES, Unit 1, Cycle 13, and, therefore, this report can be added to TS 5.6.5.b at this time before April 30, 2007. Because this report only applies to CPSES, Unit 1, Cycle 13, the licensee would have to submit the license amendment request in time for the NRC staff to review and approve the use of the Westinghouse NOTRUMP code before the CPSES, Unit 1, Cycle 14. Having report ERX-04-004 in TS 5.6.5.b will not allow the licensee to use the report for CPSES, Unit 1, Cycle 14, because the report is limited to only Cycle 13. Whether the licensee submits the license amendment request by April 30, 2007, or not has no bearing or impact on the licensee's use of the report in CPSES, Unit 1, Cycle 13.

Condition 4: Submit a Unit-specific Evaluation Model

Following discussions between the licensee and the NRC staff on the use of RELAP5 in report ERX-04-004, the licensee committed in its letter dated February 22, 2007, to submitting a unit-specific evaluation model by July 31, 2007, to be applied to CPSES, Unit 1, beginning with Cycle 14 operation in the fall of 2008. The NRC staff stated in Section 2.2.7 of its SE dated March 15, 2007, the following:

> Because the licensee is updating the licensed methodology to the NOTRUMP code, the [NRC] staff believes that the 250 °F penalty is appropriate as an interim measure to address the issues identified during the review of the proposed model changes to the ANF-based methodology using RELAP5. As a consequence, this [unit-specific] evaluation is valid, contingent upon the licensee changing to the NOTRUMP methodology and submitting the analysis results by July 31, 2007.

Again, as stated above on the license amendment request to be submitted by April 30, 2007, on the use of the Westinghouse NOTRUMP code, the NRC staff concludes that the license amendment request to "a unit-specific evaluation model by July 31, 2007, to be applied to CPSES, Unit 1, beginning with Cycle 14 operation in the fall of 2008" does not apply to the use of report ERX-04-004 for CPSES, Unit 1, Cycle 13, and, therefore, this report can be added to

TS 5.6.5.b at this time before July 31, 2007. Because this report only applies to CPSES, Unit 1, Cycle 13, the licensee would have to submit the license amendment request in time for the NRC staff to review and approve the use of the Westinghouse NOTRUMP code before the CPSES, Unit 1, Cycle 14. Having report ERX-04-004 in TS 5.6.5.b will not allow the licensee to use the report for CPSES, Unit 1, Cycle 14 because the report is limited to only Cycle 13. Whether the licensee submits the license amendment request by April 30, 2007, or not has no bearing or impact on the licensee's use of the report in CPSES, Unit 1, Cycle 13.

Conclusion on Report Conditions

As evaluated above, the NRC staff concludes that the licensee has met the four conditions listed in its letter and SE dated March 15, 2007, that approved the licensee's use of reports ERX-04-004 and ERX-04-005, and that these two reports can be added to TS 5.6.5.b at this time for use by CPSES, Unit 1. It should be stated that report ERX-04-004 may only be used for CPSES, Unit 1, Cycle 13, and the licensee will need to submit a license amendment request and unit-specific analysis, which are also addressed above, for the CPSES, Unit 1, Cycle 14 . As stated by the licensee and the NRC staff's letter and SE dated March 15, 2007, these two reports do not apply to CPSES Unit 2.

4.4 Amendment Conclusion

Based on the above evaluation the NRC staff concludes that the two reports that the licensee has proposed to add to TS 5.6.5.b have been approved by NRC for the licensee to use on CPSES, Unit 1, with conditions and these conditions have been met by the licensee. Based on this, the NRC staff concludes that these reports meet GL 88-16 and, therefore, it is acceptable to add these two reports to TS 5.6.5.b. Based on this conclusion, the NRC staff further concludes that the proposed change to TS 5.6.5.b meets 10 CFR 50.36 and, therefore, the proposed amendment is acceptable.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Texas State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 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 published in the *Federal Register* on June 6, 2006 (71 FR 32609). 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.

7.0 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.

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