December 13, 2007

Mr. M. R. Blevins
Executive Vice President
& Chief Nuclear Officer
Luminant Generation Company LLC
ATTN: Regulatory Affairs
P. O. Box 1002
6322 North FM 56
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - ISSUANCE OF AMENDMENTS RE: REVISION TO TECHNICAL SPECIFICATION 5.5.16, CONTAINMENT LEAK RATE TESTING PROGRAM (TAC NOS. MD4074 AND MD4075)

Dear Mr. Blevins:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 141 to Facility Operating License No. NPF-87 and Amendment No. 141 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 December 19, 2006.

The amendments revise CPSES, Units 1 and 2, TSs associated with the Containment Leakage Rate Testing Program (TS 5.5.16) to be consistent with Title 10 of the *Code of Federal Regulations*, Part 50, Section 55a, paragraph (g)(4).

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/

Balwant K. Singal, 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. 141 to NPF-87
2. Amendment No. 141 to NPF-89
3. Safety Evaluation

cc w/encls: See next page

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NAME	BSingal	JBurkhardt	KManoly*	RDennig	TKobetz, GMW for	MLoftus, NLO	THiltz
DATE	11/27/07	11/27/07	9/25/07	12/4/07	11/30/07	12/10/07	12/11/07

OFFICIAL AGENCY RECORD

Comanche Peak Steam Electric Station

cc:

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 2159
Glen Rose, TX 76403-2159

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Mr. Fred W. Madden, Director
Regulatory Affairs
Luminant Generation Company LLC
P.O. Box 1002
Glen Rose, TX 76043

Timothy P. Matthews, Esq.
Morgan Lewis
1111 Pennsylvania Avenue, NW
Washington, DC 20004

County Judge
P.O. Box 851
Glen Rose, TX 76043

Environmental and Natural
Resources Policy Director
Office of the Governor
P.O. Box 12428
Austin, TX 78711-3189

Mr. Richard A. Ratliff, Chief
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Mr. Brian Almon
Public Utility Commission
William B. Travis Building
P.O. Box 13326
1701 North Congress Avenue
Austin, TX 78701-3326

Ms. Susan M. Jablonski
Office of Permitting, Remediation
and Registration
Texas Commission on Environmental
Quality
MC-122
P.O. Box 13087
Austin, TX 78711-3087

Anthony P. Jones
Chief Boiler Inspector
Texas Department of Licensing
and Regulation
Boiler Division
E.O. Thompson State Office Building
P.O. Box 12157
Austin, TX 78711

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

DOCKET NO. 50-445

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 141
License No. NPF-87

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

   A. The application for amendment by Luminant Generation Company LLC dated December 19, 2006, 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 as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-87 is hereby amended to read as follows:

   (2) Technical Specifications and Environmental Protection Plan

   The Technical Specifications contained in Appendix A as revised through Amendment No. 141 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan 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.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Thomas G. Hiltz, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License No. NPF-87
and Technical Specifications

Date of Issuance: December 13, 2007

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

DOCKET NO. 50-446

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 141
License No. NPF-89

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

   A. The application for amendment by Luminant Generation Company LLC dated December 19, 2006, 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 as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-89 is hereby amended to read as follows:

   (2) Technical Specifications and Environmental Protection Plan

   The Technical Specifications contained in Appendix A as revised through Amendment No. 141 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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/

Thomas G. Hiltz, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License No. NPF-89
and Technical Specifications

Date of Issuance: December 13, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 141

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 141

TO FACILITY OPERATING LICENSE NO. NPF-89

DOCKET NOS. 50-445 AND 50-446

Replace the following pages of the Facility Operating License 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
5.0-27	5.0-27
5.0-28	5.0-28
--	5.0-28a

(3) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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

Luminant Generation Company LLC 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. 141 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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) Luminant Generation Company LLC, 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

Luminant Generation Company LLC 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. 141 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. Luminant Generation Company LLC 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. 141 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 141 TO

FACILITY OPERATING LICENSE NO. NPF-89

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By the letter dated December 19, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML070580126), TXU Generation Company LP (subsequently renamed Luminant Generation Company LLC, the licensee), submitted a license amendment request (LAR 06-010) to revise Technical Specification (TS) 5.5.16, "Containment Leakage Rate Testing Program," for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. The proposed amendment would revise TS 5.5.16 for consistency with the requirements of paragraphs 50.55a(g)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), for components classified as Code Class CC. This regulation requires licensees to update their containment inservice inspection (ISI) requirements in accordance with Division 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Subsections IWE and IWL. The proposed change is based on TS Task Force (TSTF)-343, Revision 1, which allows the 10 CFR 50, Appendix J, Option B, visual examinations of the containment to be performed in accordance with ASME Code, Section XI, Subsections IWE and IWL, and meet the intent of visual examinations required by Regulatory Position C.3 of Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak-Test Program," dated September 1995, without requiring additional visual examinations pursuant to RG 1.163.

2.0 REGULATORY EVALUATION

The regulatory requirements and the guidance upon which the U.S. Nuclear Regulatory Commission (NRC) staff based its review of the requested change are based on 10 CFR Part 50:

1. Title 10 of the *Code of Federal Regulations*, Section 50.36 (10 CFR 50.36).

2. Appendix J, Option B as it relates to the general visual inspection of the accessible interior and exterior surfaces of the containment system for structural deterioration which may affect the containment leak-tight integrity, and

3. Section 50.55a as it relates to the ISI requirements of ASME Code, Class CC components.

10 CFR 50.36 requires that each license authorizing operation of a production or utilization facility include technical specifications. In particular, surveillance requirements, as set forth in 10 CFR 50.36(c)(3), are a type of technical specification that relates to testing, calibration or inspection to assure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions for operation will be met.

10 CFR 50, Appendix J, sets forth options which can be chosen by a water-cooled power reactor licensee in order to perform containment leakage test requirements. Option B, as set forth in Appendix J of 10 CFR 50, provides a performance-based method for a licensee to meet the containment leakage test requirements. Licensees typically follow the guidelines set forth in RG 1.163 in order to comply with Option B. This is the case with CPSES, Units 1 and 2, as stated in TS 5.5.16.

With regard to the Appendix J, Option B, requirement for visual examination of accessible interior and exterior surfaces of the containment system, the Regulatory Position in RG 1.163, Section C.3, states, "[t]hese examinations should be conducted prior to initiating a Type A test, and during two other refueling outages before the next Type A test if the interval for the Type A test has been extended to 10 years, in order to allow for early uncovering of evidence of structural deterioration." Paragraph 50.55a(g)(4) of 10 CFR requires licensees to update their containment inservice inspection (CISI) program in accordance with Subsections IWE and IWL of Section XI, Division 1 of the ASME Code incorporated by reference in 10 CFR 50.55a(b)(2) subject to the limitation listed in 10 CFR 50.55a(b)(2)(vi), and modifications listed in 10 CFR 50.55a(b)(2)(viii) and 10 CFR 50.55a(b)(2)(ix). This CISI program has visual examination requirements per Articles IWE-2000 and IWL-2000 of ASME Code, Section XI. The proposed change revises TS 5.5.16 for consistency with the requirements of 10 CFR 50.55a(g)(4) for components classified as Code Class CC. The proposed change implements TSTF-343, Revision 1, which allows the 10 CFR Part 50, Appendix J, Option B, visual examinations of the containment to be performed in accordance with ASME Code, Section XI, Subsections IWE and IWL, and meets the intent of visual examinations required by Regulatory Position C.3 of RG 1.163 without requiring additional visual examinations pursuant to RG 1.163.

Section V.B.3 of 10 CFR Part 50, Appendix J, Option B, requires that the regulatory guide or other implementation document used by a licensee to develop a performance-based leak-testing program must be included, by general reference, in the plant TSs. Further, the submittal for TS revisions must contain justification, including supporting analyses, if the licensee chooses to deviate from methods approved by the Commission and endorsed in a regulatory guide. The licensee has submitted the current application for revising TS 5.5.16 in accordance with 10 CFR Part 50, Appendix J, Option B, Section V.B.3, since the licensee proposes to take exceptions to its current commitment in TS 5.5.16 with regard to the requirements and frequency for visual examination of accessible interior and exterior surfaces of the containment system to uncover structural problems.

3.0 TECHNICAL EVALUATION

3.1 Proposed Change

The proposed change requests to revise TS 5.5.16 by adding the following exceptions to RG 1.163, "Performance-Based Containment Leak-Test Program":

1. The visual examination of containment concrete surfaces intended to fulfill the requirements of 10 CFR 50, Appendix J, Option B testing, will be performed in accordance with the requirements and frequency specified by ASME Code, Section XI, Subsection IWL, except where relief has been authorized by the NRC.

2. The visual examination of the steel liner plate inside containment intended to fulfill the requirements of 10 CFR 50, Appendix J, Option B testing, will be performed in accordance with the requirements and frequency specified by ASME Code, Section XI, Subsection IWE, except where relief has been authorized by the NRC.

3.2 Evaluation

The CPSES, Units 1 and 2, containment structures are fully continuous, steel lined, reinforced concrete structures. Each containment consists of a vertical cylinder and a hemispherical dome. The overall leak-tight characteristics and structural integrity of the containment is verified through a Type A Integrated Leak Rate Test (ILRT) performed periodically at the design-basis accident (DBA) pressure.

The CPSES, Units 1 and 2, TS requirements for the Containment Leakage Rate Testing Program specify that the program shall be in accordance with the guidelines contained in RG 1.163, dated September 1995. Regulatory Position C.3 of this RG states: “Section 9.2.1, ‘Pretest Inspection and Test Methodology,’ of NEI [Nuclear Energy Institute] 94-01 provides guidance for visual examination of accessible interior and exterior surfaces of the containment system for structural problems. These examinations should be conducted prior to initiating a Type A test, and during two other refueling outages before the next Type A test if the interval for the Type A test has been extended to 10 years, in order to allow for early uncovering of evidence of structural deterioration.” There are no specific requirements in NEI 94-01 for the visual examination, except that it is to be a general visual examination of accessible interior and exterior surfaces of the primary containment components.

In addition to the requirements of RG 1.163 and NEI 94-01, per the ISI requirements of 10 CFR 50.55a(g)(4), the concrete surfaces of the containment must be visually examined in accordance with ASME Code, Section XI, Subsection IWL, and the liner plate inside containment must be visually examined in accordance with ASME Code, Section XI, Subsection IWE. The frequency of visual examination of the concrete surfaces per Subsection IWL is once every 5 years (in general, two times in a 10-year interval), and the frequency of visual examination of the liner plate per Subsection IWE is, in general, three visual examinations over a 10-year interval. The visual examination performed pursuant to Subsection IWL may be performed any time during power operation or during shutdown, and the visual examinations performed pursuant to Subsection IWE are performed during refueling outages since this is the only time that the liner

plate is fully accessible. The licensee substantiated that the requirements for visual examinations performed pursuant to Subsections IWE and IWL are more rigorous than those performed pursuant to RG 1.163 and NEI 94-01. The staff agrees that the combination of the Code requirements for rigor of the visual examinations plus the required third-party review will more than offset the fact that one fewer visual examination of the concrete surfaces will be performed during a 10-year interval. The fact that the exterior concrete visual examinations pursuant to Subsection IWL may be performed during power operation as opposed to during a refueling outage will have no effect on the quality of the examination; however, it provides flexibility in scheduling the visual examination.

In the implementation of the Containment Leakage Rate Testing Program per Option B of 10 CFR 50, Appendix J, the proposed change would thus require the licensee to perform visual examinations of the containment pursuant to ASME Code, Section XI, Subsections IWL and IWE in lieu of the visual examinations required by Regulatory Position C.3 of RG 1.163. Under the requirement of ASME Code, Section XI, Subsections IWL and IWE, the licensee will schedule at least one complete visual inspection prior to CPSES, Units 1 and 2, ILRT tests. Subsection IWE requires the licensee to perform general visual examinations of the liner and penetrations three times in a 10-year interval. Subsection IWL requires the licensee to perform general visual examinations of the accessible concrete surfaces two times in a 10-year interval. Prior to performing an ILRT, the licensee will schedule its IWE and IWL examinations in a way that it be counted as a pre-ILRT examination. This process satisfies the intent of visual examinations required by Regulatory Position C.3 of RG 1.163 without requiring additional visual examinations pursuant to RG 1.163.

Based on our review of the licensee's submittal dated December 19, 2006, the staff finds that visual examinations of the accessible exterior and interior surfaces of the containment system that are performed pursuant to the requirements and frequency prescribed in ASME Code, Section XI, Subsections IWE and IWL, are sufficient to meet the intent of the visual inspections required by RG 1.163, without requiring additional visual examinations pursuant to RG 1.163. The intent of early uncovering of evidence of structural deterioration will continue to be met by the more rigorous requirements of the Subsections IWE and IWL visual examinations. Therefore, the staff concludes that the revision to TS 5.5.16, as proposed by the licensee, is acceptable because the proposed visual examinations will provide an acceptable level of quality and safety.

Therefore, the staff concludes that the revision to TS 5.5.16, as proposed by the licensee, is acceptable because the proposed visual examinations will provide an acceptable level of quality and safety. As a result, the proposed modification will allow TS 5.5.16 to maintain conformity with 10 CFR 50.36(c)(3). Moreover, the proposed revision to TS 5.5.16 conforms with the provisions of 10 CFR 50.55a(g)(4) by updating the TS to be consistent with the requirements for components classified as Code Class CC.

4.0 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.

5.0 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 May 8, 2007 (72 FR 26179). 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.

6.0 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.

Principal Contributor: George Thomas

Date: December 13, 2007