January 25, 2008

Mr. M. R. Blevins
Executive Vice President
& Chief Nuclear Officer
Luminant Generation Company LLC
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: REVISION TO TECHNICAL SPECIFICATIONS (TS) 3.7.5, 3.8.1, AND 3.8.9, AND TS EXAMPLE 1.3-3 (TAC NOS. MD4070 AND MD4071)

Dear Mr. Blevins:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 142 to Facility Operating License No. NPF-87 and Amendment No. 142 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, and supplemented by letters dated November 30, and December 6, 2007.

The amendments revise CPSES, Units 1 and 2, TSs 3.7.5, 3.8.1, 3.8.9, and TS Example 1.3-3 to eliminate second Completion Times associated with the Auxiliary Feedwater System, AC [Alternating Current] Sources – Operating, and Distribution Systems – Operating. The changes to the TSs are consistent with NRC-approved Technical Specification Task Force (TSTF) Traveler Number TSTF-439, Revision 2.

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. 142 to NPF-87
2. Amendment No. 142 to NPF-89
3. Safety Evaluation

cc w/encls: See next page

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ADAMS Accession Nos.: Pkg ML073400030 (Amdt/License ML073400037, TS Pgs ML073400047) (*) SE dated 1/14/08

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	DIRS/ITSB/BC	DE/EEEB/BC	DSS/SRXB/BC	OGC - NLO	NRR/LPL4/BC
NAME	BSingal	JBurkhardt	TKobetz(*)GWaig for	GWilson	GCranston	MSpencer	THiltz
DATE	1/14/08	1/14/08	1/14/08	1/16/08	1/16/08	1/22/08	1/25/08

OFFICIAL AGENCY RECORD

Comanche Peak Steam Electric Station

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U.S. Nuclear Regulatory Commission
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LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

DOCKET NO. 50-445

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 142
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, and supplemented by letters dated November 30, and December 6, 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 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. 142 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: January 25, 2008

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

DOCKET NO. 50-446

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 142
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, and supplemented by letters dated November 30, and December 6, 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 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. 142 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: January 25, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 142

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 142

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
1.3-2	1.3-2
1.3-6	1.3-6
1.3-7	1.3-7
3.7-12	3.7-12
3.8-2	3.8-2
3.8-4	3.8-4
3.8-38	3.8-38
3.8-39	3.8-39

(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. 142, 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.

Deleted: and

(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. 142 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. 142 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 142 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 application dated December 19, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML070580149), and supplemented by letters dated November 30, and December 6, 2007 (ADAMS Accession Nos. ML073410294 and ML073620214, respectively), TXU Generation Company LP (subsequently renamed as Luminant Generation Company LLC) (the licensee) requested changes to the Technical Specifications (TSs) for Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, consistent with U.S. Nuclear Regulatory Commission (NRC)-approved Technical Specification Task Force (TSTF)-439, Revision 2. The supplemental letters dated November 30, and December 6, 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 April 10, 2007 (72 FR 17952).

In the improved Standard Technical Specifications (STSs) (NUREGs 1430 through 1434), a second Completion Time was included for certain Required Actions to establish a limit on the maximum time allowed for any combination of Conditions that result in a single continuous failure to meet the Limiting Condition for Operation (LCO). These Completion Times (henceforth referred to as "second Completion Times") are joined by an "AND" logical connector to the Condition-specific Completion Time and state "X days from discovery of failure to meet the LCO" (where "X" varies by specification). The intent of the second Completion Time was to preclude entry into and out of the Actions for an indefinite period of time without meeting the LCO by providing a limit on the amount of time that the LCO could not be met for various combinations of Conditions. TSTF-439, Revision 2, deletes these second Completion Times from the affected Required Actions from the STSs.

On June 20, 2005, the commercial nuclear electrical power generation industry owners group TSTF submitted a proposed change, TSTF-439, Revision 2, to the improved STSs on behalf of

the industry (TSTF-439, Revisions 0 and 1 were prior draft iterations). TSTF-439, Revision 2, was approved by the NRC in a letter dated January 11, 2006, to the TSTF.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act (Act) requires applicants for nuclear power plant operating licenses to include TSs as part of the license. These TSs are derived from the plant safety analyses.

The staff reviewed the proposed changes for compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.36, and agreement with the precedent as established in NUREG-1431, Revision 3.1, STSs, Westinghouse Plants. In general, licensees cannot justify TS changes solely on the basis of adopting the model STS. To ensure this, the staff makes a determination that proposed changes maintain adequate safety. Changes that result in relaxation (less restrictive condition) of current TS requirements require detailed justification.

In general, there are two classes of changes to TSs: (1) changes needed to reflect contents of the design basis (TSs are derived from the design basis), and (2) voluntary changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. This amendment deals with the second class of change; namely, changes that reflect the evolution in policy and guidance as to the required content and preferred format of TSs.

Licensees may revise the TSs to adopt improved STS format and content provided that plant-specific review supports a finding of continued adequate safety because: (1) the change is editorial, administrative, or provides clarification (i.e., no requirements are materially altered); (2) the change is more restrictive than the licensee's current requirement; or (3) the change is less restrictive than the licensee's current requirement, but nonetheless still affords adequate assurance of safety when judged against current regulatory standards.

2.1 The Maintenance Rule

The Maintenance Rule (10 CFR 50.65) requires each licensee to monitor the performance or condition of structures, systems, and components (SSCs) against licensee-established goals to ensure that the SSCs are capable of fulfilling their intended functions. Such goals shall be established commensurate with safety and, where practical, take into account industry-wide operating experience. If the performance or condition of an SSC does not meet established goals, appropriate corrective action is required to be taken. The effectiveness of these performance and condition monitoring activities, and associated corrective actions, is evaluated at least every refueling cycle, not to exceed 24 months.

3.0 TECHNICAL EVALUATION

3.1 Background

3.1.1 Standard Technical Specifications (STSs)

The use of TS second Completion Time was based on an NRC staff concern that a plant could continue to operate indefinitely with an LCO governing safety significant systems never being

met by alternately meeting the requirements of different Conditions in the same specification (Reference 7.1). Some specifications allow entry into a Condition and before the Completion Time expires, a different Condition in the same specification is entered. The problem occurs when, previous to the expiration of the Completion Time for the second condition, the first Condition is entered for a second time, this process could allow an LCO to never be met. Multiple Condition entry is permissible, but the repetitive entry into the same Condition, so that the LCO is not met for an extended period of time, is unacceptable since TS Conditions represent a temporary relaxation of the single failure criteria afforded by operable redundant safety systems. In order to overcome this issue, second Completion Times were used.

During development of STS in 1991, the NRC staff could not identify any regulatory requirement or program which would prevent this misuse of the TSs described above. However, that is no longer the case. There are now two programs, the Maintenance Rule and the Reactor Oversight Process (ROP), which provide a strong disincentive to continue operation with concurrent multiple inoperabilities of the type the second Completion Times were designed to prevent. These regulatory processes provide an equivalent level of plant safety without unnecessarily complicating some of the TSs by addition of a second Completion Time for the LCO.

3.1.2 Maintenance Rule (10 CFR 50.65)

Issuance of the maintenance rule, in the early 1990s, marked the advent of a regulation with significant implications for the evolution of TSs. Prior to 10 CFR 50.65, TSs were the primary rules governing operations, including what equipment must normally be in service, how long equipment can be out of service, compensatory actions, and surveillance testing to demonstrate equipment readiness. The goal of TSs is to provide adequate assurance of the availability and reliability of equipment needed to prevent, and if necessary mitigate, accidents and transients. The maintenance rule shares this same goal but operates at a more fundamental level with a dynamic and more comprehensive process. Thus, where the second Completion Time's intent to prevent a scenario in which repetitive entry into the same Condition is unacceptable may not have been an ideal process, 10 CFR 50.65 can also serve the purpose.

10 CFR 50.65 assesses and manages the inoperable equipment; however, the rule also considers all inoperable risk-significant equipment, not just the one or two systems governed by the same LCO. Under the TSs, the Completion Time for one system within an LCO is not affected by inoperable equipment in another LCO. Therefore, the second Completion Times influenced the Completion Time for one system based on the maintenance condition of another system, only if the two systems were required by the same LCO.

Under 10 CFR 50.65, the risk impact of all inoperable risk-significant equipment is assessed and managed when performing preventative or corrective maintenance. The risk assessments are conducted using the procedures and guidance endorsed by Regulatory Guide (RG) 1.182, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants." RG 1.182 endorses the guidance in Section 11 of NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." These documents address general guidance for conduct of the risk assessment, quantitative and qualitative guidelines for establishing risk management actions, and example risk management actions. These include actions to plan and conduct other activities in a manner that controls overall risk, increased risk awareness by shift and management personnel, actions to reduce the duration of

the condition, actions to minimize the magnitude of risk increases (establishment of backup success paths or compensatory measures), and determination that the proposed maintenance is acceptable. Plant Maintenance Rule programs assure safe plant operation by managing plant configuration, thus augmenting the deterministic Completion Times in the TS more successfully than implementing a second Completion Time.

Also, the NRC Resident Inspectors monitor the licensee's corrective action process and could take action if the licensee's maintenance program allowed the systems required by a single LCO to become concurrently inoperable multiple times. The performance and condition monitoring activities required by 10 CFR 50.65 identify poor maintenance practices that would result from multiple entries into the Actions of the TSs which would contribute to unacceptable unavailability of these SSCs.

3.1.3 The Reactor Oversight Process (ROP)

Satisfactory licensee performance in the cornerstone of mitigating systems provides reasonable assurance in monitoring the inappropriate use of Condition Completion Times. The objective of this cornerstone is to monitor the availability, reliability, and capability of systems that mitigate the effects of initiating events to prevent core damage. Licensees reduce the likelihood of reactor accidents by maintaining the availability and reliability of mitigating systems. Mitigating systems include those systems associated with safety injection, decay heat removal, and their support systems, such as emergency alternating current (AC) power systems (which encompasses the AC Sources and Distribution System LCOs) and the auxiliary feedwater (AFW) system. Inputs to the mitigating systems cornerstone include both inspection procedures and performance indicators to ensure that all safety objectives are being met.

Regulatory Issue Summary 2001-11, "Voluntary Submission of Performance Indicator Data" endorses Nuclear Energy Institute 99-02, "Regulatory Assessment Performance Indicator Guideline," which describes the tracking and reporting of performance indicators to support the NRC's ROP. Extended unavailability of these systems due to multiple entries into the Required Actions would affect the NRC's evaluation of the licensee's performance under the ROP.

NRC Inspection Findings for each plant are documented in inspection reports in accordance with Inspection Manual Chapter (IMC) 0612 and summarized in Plant Issues Matrices. Inspection findings are evaluated using the significance determination process in accordance with IMC 0609 to evaluate the safety significance of the findings.

3.1.4 STS Section 1.0, Use and Application

In addition to these programs, a paragraph was added to Section 1.3, "Completion Times," of the STS (NUREG-1431) stating that there shall be administrative controls to limit the maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. These administrative controls should consider plant risk and shall limit the maximum contiguous time of failing to meet the LCO. This TS application helps provide an additional confidence level of plant safety without unnecessarily complicating some of the TSs by addition of a second Completion Time for the LCO.

By letter dated November 30, 2007, the licensee has made the following regulatory commitment (Commitment No. 27488):

> There shall be administrative controls to limit the maximum time allowed for any combination of Conditions that result in a single continuous occurrence of failing to meet the LCO for TS 3.7.5, Auxiliary Feedwater (AFW) System, TS 3.8.1, AC Sources – Operating, and TS 3.8.9, Distribution Systems – Operating. These administrative controls shall ensure that the Completion Times for those Conditions are NOT inappropriately extended. The administrative controls will ensure that the Completion Time is not extended beyond the additive Completion Times of the two (2) Required Actions for restoration of OPERABILITY unless a risk evaluation is performed. If Unit Operation within an LCO will exceed the maximum Completion Time, then either the shutdown Condition within the LCO should be entered OR a risk evaluation shall be performed and the risk impact managed under the Configuration Risk Management Program (CRMP).

3.2 NRC Staff Evaluation

The NRC staff reviewed the proposed changes against the corresponding changes made to the STS by TSTF-439, Revision 2, which the NRC staff has found to satisfy applicable regulatory requirements, as described above in Section 2.0. The proposed changes are consistent with approved TSTF-439, Revision 2. The following are those changes, and a conclusion of acceptability.

3.3 Proposed Changes

TS Example 1.3-3 is being revised by removing the second Completion Times for Required Actions A.1 and B.1 and changing the discussion in the Example.

The second Completion Times associated with TS 3.7.5, “Auxiliary Feedwater (AFW) System,” Required Actions A.1 and B.1, which states, “AND 10 days from discovery of failure to meet the LCO,” is being deleted in accordance with TSTF-439.

The second Completion Times associated with TS 3.8.1, “AC Sources – Operating,” Required Actions A.3 and B.4, which states, “AND 6 days from the discovery of failure to meet LCO,” is being deleted in accordance with TSTF-439.

The second Completion Times associated with TS 3.8.9, “Distribution Systems – Operating,” Required Actions A.1, B.1, and C.1 which states, “AND 16 hours from discovery of failure to meet LCO,” are being deleted in accordance with TSTF-439.

3.3.1 TS Example 1.3-3

TS Example 1.3-3 is revised to eliminate the second Completion Times for Required Actions A.1 and B.1 and to replace the discussion regarding second Completion Times with the following:

> It is possible to alternate between Conditions A, B, and C in such a manner that operation could continue indefinitely without ever restoring systems to meet the LCO. However, doing so would be inconsistent with the basis of the Completion

> Times. Therefore, there shall be administrative controls to limit the maximum time allowed for any combination of Conditions that result in a single contiguous occurrence of failing to meet the LCO. These administrative controls shall ensure that the Completion Times for those Conditions are not inappropriately extended.

The revised discussion addresses the concern the NRC staff had in 1991. The second Completions Times are being deleted because an equally effective solution to resolve the concern the NRC staff had in 1991 is now available with the Maintenance Rule and the ROP. Both the Maintenance Rule and the ROP address the issue in terms of comprehensively identifying specific equipment unavailability problems, and addressing these problems through the Corrective Actions Program and through compliance with TS Completion Time limits.

3.3.2 Auxiliary Feedwater System

TS 3.7.5, Auxiliary Feedwater System (AFW) System, has a 7-day Completion Time for one inoperable steam supply to a turbine-driven AFW pump (Condition A) and a 72-hour Completion Time for one AFW train inoperable for reasons other than Condition A (Condition B). Conditions A and B have a second Completion Time of 10 days from discovery of failure to meet the LCO. Restoring either one of the two inoperable conditions, i.e. either the inoperable steam supply for Condition A or the inoperable AFW train for Condition B, would result in exiting that Condition. The second Completion Time is limiting if multiple entries into and out of these Conditions results in an indefinite period of time without meeting the LCO. However, such frequent, repeated failures of the AFW system would be readily identified by two independent programs, the Maintenance Rule and ROP, representing a strong disincentive to such operations.

Additionally, the licensee has made a regulatory commitment to incorporate administrative controls in CPSES, Units 1 and 2, procedures for the LCO tracking program to ensure that the Completion Times for those Conditions are not inappropriately extended. As stated in the regulatory commitment, “[t]he administrative controls will ensure that Completion Time is NOT extended beyond the additive Completion Times of the two (2) Required Actions for restoration of OPERABILITY unless a risk evaluation is performed."

3.3.3 AC Sources - Operating

TS 3.8.1, AC Sources - Operating, has a 72-hour Completion Time for one required offsite circuit inoperable (Condition A) and a 72-hour Completion Time for one diesel generator inoperable (Condition B). Both Condition A and Condition B have a second Completion Time of “6 days from discovery of failure to meet the LCO.” If Condition A or B is entered, and before that inoperable system is restored, the other Condition is entered, then Condition D applies, which is both Condition A and B inoperable, and plant operation is limited to 12 hours. Should either inoperable Condition be restored, that Condition and Condition D is exited. The second Completion Time is limiting if repetitive entry into the previously restored Conditions results in the LCO not being met for an extended period of time.

As stated above, the Maintenance Rule assesses and manages inoperable equipment, and the ROP monitors the availability of mitigating systems, including the emergency AC sources (diesel

generator unavailability). Such frequent, repeated failures of the AC sources would be reported to the NRC, representing a strong disincentive to such operations.

Additionally, the licensee has made a regulatory commitment to incorporate administrative controls in CPSES, Units 1 and 2, procedures for the LCO tracking program to ensure that the Completion Times for those Conditions are not inappropriately extended. As stated in the regulatory commitment, "[t]hese administrative controls will ensure that a Completion Time is not extended beyond the additive Completion Times of the two (2) Required Actions for restoration of operability unless a risk evaluation is performed."

3.3.4 Distribution Systems - Operating

TS 3.8.9, Distribution Systems - Operating, has an 8-hour Completion Time for one AC electrical power distribution subsystem inoperable (Condition A), and a 2-hour Completion Time for one AC vital bus subsystem (Condition B) or one direct current (DC) electrical power subsystem (Condition C) inoperable. Conditions A, B, and C have a second Completion Time of 16 hours from discovery of failure to meet the LCO. The second Completion Time limits plant operations from any potential allowed outage time extensions if a Condition in this LCO is entered, but before the Completion Time for that Condition is passed, a second different Condition is entered; and again, before the Completion Time for the second Condition is passed, the first Condition is entered again.

As previously mentioned, two supporting programs, The Maintenance Rule and the ROP provide the necessary assured safety that no LCOs will be abused.

Additionally, the licensee has made a regulatory commitment to incorporate administrative controls in CPSES, Units 1 and 2, procedures for the LCO tracking program to ensure that the Completion Times for those Conditions are not inappropriately extended. As stated in the regulatory commitment, '[t]hese administrative controls will ensure that a Completion Time is not extended beyond the additive Completion Times of the two (2) Required Actions for restoration of operability unless a risk evaluation is performed.'

3.4 Summary and Conclusions

The NRC staff concludes that multiple, continuous entries into Conditions, without meeting the LCO, will be controlled by the licensee's CRMPs, which were implemented to meet the requirements of the Maintenance Rule to assess and manage risk, and controlled by the Use and Application convention discussed in Section 1.3 of the TSs. The ROP coupled with Maintenance Rule, provide adequate assurance against inappropriate use of combinations of Conditions that result in a single contiguous occurrence of failing to meet the LCO. Accordingly, consistent with TSTF-439, the NRC staff finds the proposed changes to CPSES, Units 1 and 2, acceptable.

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 the 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 considerations, and there has been no public comment on the finding published in the *Federal Register* on April 10, 2007 (72 FR 17952). 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, on the basis of 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.

7.0 REFERENCES

7.1 Memorandum from Gordon Vytlacil (NRC) to TSTF (NRC), dated August 5, 1991, “Summary of Potential Allowed Outage Time (AOT) Extension Issue.”

7.2 NRC Generic Letter 80-030 from Darrell G. Eisenhut (NRC) to All Power Reactor Licensees, dated April 10, 1980, “Clarification Of The Term ‘Operable’ As It Applies To Single Failure Criterion For Safety Systems Required By TS.”

7.3 Industry/TSTF STS Change TSTF-439, Revision 2, “Eliminate Second Completion Time From Discovery of Failure To Meet an LCO,” June 20, 2005 (ADAMS Accession No. ML051860296).

7.4 NRC Letter dated January 11, 2006, to the TSTF regarding “Status of TSTF-439, ‘Eliminate Second Completion Times Limiting Time From Discovery of Failure To Meet an LCO’” (ADAMS Accession No. ML060120272).

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