



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

August 7, 2009

Mr. Rafael Flores
Senior Vice President and
Chief Nuclear Officer
Luminant Generation Company LLC
P.O. Box 1002
Glen Hope, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 -
ISSUANCE OF AMENDMENT RE: ADOPTION OF TSTF- 511, REVISION 0,
"ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT
COMPLIANCE WITH 10 CFR PART 26" (TAC NOS. ME1002 AND ME1003)

Dear Mr. Flores:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 148 to Facility Operating License No. NPF-87 and Amendment No. 148 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 April 1, 2009, as supplemented by letter dated July 9, 2009.

The amendments revise the CPSES TS 5.2.2, "Unit Staff," to eliminate working hour restrictions of paragraph d of TS 5.2.2 to support compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26. The request is consistent with the guidance contained in NRC-approved TS Task Force (TSTF) change traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." In addition, paragraphs e and f of TS 5.2.2 were renumbered to d and e and in TS 5.2.2.b the reference to 5.2.2.f was revised to 5.2.2.e to reflect the removal of paragraph d of TS 5.2.2. The availability of this TS improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the consolidated line item improvement process.

R. Flores

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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,

A handwritten signature in cursive script that reads "Balwant K. Singal for B. Singal".

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. 148 to NPF-87
2. Amendment No. 148 to NPF-89
3. Safety Evaluation

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

LUMINANT GENERATION COMPANY LLC

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

DOCKET NO. 50-445

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 148
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 April 1, 2009, as supplemented by letter dated July 9, 2009, 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. 148 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 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael T. Markley, 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: August 7, 2009



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

LUMINANT GENERATION COMPANY LLC
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2
DOCKET NO. 50-446
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 148
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 April 1, 2009, as supplemented by letter dated July 9, 2009, 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.

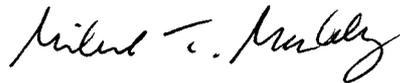
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-89 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 148 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 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael T. Markley, 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: August 7, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 148

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 148

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

5.0-3

5.0-3

5.0-4

5.0-4

- (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 through Cycle 13 and 3612 megawatts thermal starting with Cycle 14 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. 148 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 through Cycle 11 and 3612 megawatts thermal starting with Cycle 12 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. 148 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

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be assigned to each reactor containing fuel and an additional non-licensed operator shall be assigned if either unit is operating in MODES 1, 2, 3, or 4.

With both units shutdown or defueled, a total of three non-licensed operators for the two units is required.

- b. Shift crew composition may be one less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.e for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

- c. -----NOTE-----
A single Radiation Protection Technician and a single Chemistry Technician may fulfill the requirements for both units.

A Radiation Protection Technician and Chemistry Technician shall be on site when fuel is in the reactor. The positions may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required positions.

(continued)

5.2 Organization

5.2.2 Unit Staff (continued)

- d. The Shift Operations Manager shall hold an SRO license. |
 - e. An individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This shall be assigned to both units when either unit is in MODE 1, 2, 3, or 4. The STA position may be filled by the shift manager or an on-shift SRO providing the individuals meet the dual role qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift. |
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 148 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 148 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 April 1, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090910744), as supplemented by letter dated July 9, 2009 (ADAMS Accession No. ML091910103), Luminant Generation Company LLC (the licensee), requested changes to the Technical Specifications (TSs) for the Comanche Peak Steam Electric Station, Units 1 and 2 (CPSES). The supplemental letter dated July 9, 2009, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the U.S. Nuclear Regulatory Commission (NRC) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on May 19, 2009 (74 FR 23445).

The proposed changes would delete those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, Subpart I, consistent with NRC-approved TS Task Force (TSTF) change traveler, TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

Specifically, the proposed amendment would delete paragraph d of TS 5.2.2, "Unit Staff." In addition, paragraphs e and f of TS 5.2.2 were renumbered to d and e and in TS 5.2.2.b the reference to 5.2.2.f was revised to 5.2.2.e to reflect the removal of paragraph d of TS 5.2.2. The licensee stated that the application is consistent with NRC-approved TSTF-511, Revision 0. The availability of this TS improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the consolidated line item improvement process.

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). Subpart I, "Managing Fatigue," of 10 CFR Part 26 provides the regulatory requirements for managing worker fatigue at nuclear power plants.

In Section 50.36, "Technical specifications," of 10 CFR, the Commission established its regulatory requirements related to the content of 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 systems settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. The rule does not specify the particular requirements to be included in a plant's TSs. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC's guidance for the format and content of licensee TSs can be found in NUREG-1430, Revision 3.0, "Standard Technical Specifications Babcock and Wilcox Plants," NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants," NUREG-1432, Revision 3.0, "Standard Technical Specifications Combustion Engineering Plants," NUREG-1433, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/4," and NUREG-1434, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/6," referred to as the Standard Technical Specifications (STS). Paragraph d of Section 5.2.2 of STS contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents NRC's guidance on how licensee TS requirements should address work hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements found in paragraph d of Section 5.2.2 of all STS. Subpart I distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009 as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511, Revision 0, proposed a change to STS that would delete Paragraph d of STS 5.2.2. This change was approved in *Federal Register* notice on December 30, 2008 (73 FR 79923).

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for CPSES are currently located in paragraph d of TS 5.2.2. The licensee

proposed deleting paragraph d of TS 5.2.2. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls. When the amendment is implemented, the regulatory requirements of 10 CFR Part 26, Subpart I replace the plant-specific TS requirements found in paragraph d of CPSES TS 5.2.2. The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment are best provided by the licensee's administrative processes, including its commitment management program (see NRC Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000). The above regulatory commitment does not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in Section 2.0 of this safety evaluation. The NRC staff also compared the proposed change to the change made to the STS by TSTF-511, Revision 0. The text of CPSES of TS 5.2.2 paragraph d is a duplicate of the text of paragraph d of TSTF-511, Revision 0, STS 5.2.2. The licensee has committed to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. The licensee's commitment provides reasonable assurance that the licensee will comply with the regulations for work hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at CPSES. Proper adoption of TSTF-511, Revision 0, and implementation of 10 CFR Part 26, Subpart I by the licensee provides reasonable assurance that the licensee will maintain limits on the working hours of personnel who perform safety-related functions and the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and thereby protect common defense and security. Therefore, the NRC staff concludes the proposed change is acceptable.

3.1 Editorial Changes

The licensee has proposed to renumber paragraphs e and f of TS 5.2.2 to d and e and change the reference in TS 5.2.2.b from 5.2.2.f to 5.2.2.e. These changes are needed to maintain the numbering consistency of the TSs as result of the deletion of paragraph d of TS 5.2.2. The NRC concludes that this change is editorial in nature and, therefore, is acceptable.

4.0 REGULATORY COMMITMENT

In its April 1, 2009, letter, the licensee stated that it will make the following regulatory commitment:

Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR 26, Subpart I requirements.

The licensee committed to complete the above commitment no later than October 1, 2009. The NRC staff finds this commitment acceptable.

5.0 STATE CONSULTATION

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

6.0 ENVIRONMENTAL CONSIDERATION

The amendments change recordkeeping, reporting, or administrative procedures. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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.

Principal Contributors: Victor Cusumano
Matthew Hamm

Date: August 7, 2009

R. Flores

- 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 by Michael T. Markley for /

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. 148 to NPF-87
2. Amendment No. 148 to NPF-89
3. Safety Evaluation

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DATE	7/10/09	7/10/09	7/9/09		7/21/09	8/7/09	8/7/09

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