UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

July 9, 2009

Rafael Flores, Senior Vice President
and Chief Nuclear Officer
Luminant Generation Company LLC
Comanche Peak Steam Electric Station
P. O. Box 1002
Glen Rose, TX 76043

SUBJECT: LUMINANT GENERATION COMPANY'S DENIAL OF FINDING 05000445; 05000446/2009002-01

Dear Mr. Flores:

In a letter dated May 26, 2009, you informed the NRC that the Luminant Generation Company was denying a finding identified during an NRC inspection conducted at Comanche Peak Steam Electric Station and documented in NRC Integrated Inspection Report 05000445;446/2009002. The NRC appreciates your feedback, and the opportunity to understand your perspective on this finding. Through an independent review of the finding, the NRC has determined that a performance deficiency did occur, and that the issue was appropriately characterized as a finding. The following discussion provides the basis for this determination.

As described in NRC Integrated Inspection Report 05000445;446/2009002, the finding dealt with the failure of operations and maintenance personnel to follow housekeeping procedural guidance in accordance with Procedure STA-607, "Housekeeping Control," Revision 19. Specifically, scrap sheet metal on the roof of the Unit 1 emergency diesel generator building was not removed following maintenance. As a result, the material could have affected the offsite power supply to safety-related electrical busses if high winds carried it to nearby transmission lines.

In your May 26 letter, Luminant Generation Company provided the following information in support of its position that the finding did not occur:

> NRC Inspection Manual Chapter 0612, "Power Reactor Inspection Reports," Appendix B, "Issue Screening," states that a performance deficiency can exist if: (1) a licensee fails to meet a self-imposed standard and (2) the cause was reasonably within the licensee's ability to foresee and correct and should have been prevented. NRC Inspection Manual Chapter 0612, "Power Reactor Inspection Reports," defines a performance deficiency as "An issue that is the result of a licensee not meeting a requirement or standard where the cause was reasonably within the licensee's ability to foresee and correct, and that should have been prevented. A performance deficiency can exist if a licensee fails to meet a self-imposed standard or a standard required by regulation."

Luminant Power agrees with the NRC that management expectations were not met by the failure to use Procedure STA-607 as a guideline and that the cause was reasonably within our ability to foresee and correct and should have been prevented. However, Luminant Power does not believe that this condition should be a finding because a failure to meet a “self-imposed standard” as used within the definition of a performance deficiency did not occur. Therefore, a performance deficiency did not exist.

During the time period that the debris existed on Unit 1 emergency diesel generator building roof, no high wind events occurred that could have caused the debris to be blown off the roof. Even if a high wind event would have occurred, the debris was tightly stacked under the silencer such that it would not have been affected by high winds. Therefore, Luminant Power believes that this finding is minor because there was no increase in the likelihood of an event that would upset plant stability and challenge critical safety functions during shutdown as well as power operations.

Although a formal NRC definition of “self-imposed standard” does not exist, Luminant Power believes that when the definition of “performance deficiency” was developed, it was intended that a failure to meet a “self-imposed standard” be something clearly more than not meeting management expectations for use of a procedure as a guideline.

To evaluate your concerns, personnel from the NRC Region IV Office, the NRC Program Office, and the NRC Office of Enforcement performed an independent review of the finding and your concerns. Those personnel noted that your Final Safety Analysis Report, Appendix 1A(B), states that "the administrative methods used to control station housekeeping practices will comply with ANSI N45.2.3 - 1973," and that Procedure STA-607, "Housekeeping Control," Revision 19, Section 3.1, references ANSI N45.2.3 - 1973. The NRC, therefore, concluded that the requirements described in Procedure STA-607 were self-imposed standards.

Further, during review of Procedure ABN-907, “Acts of Nature,” Attachment 2, Revision 11, the NRC noted that step 4, states:

Ensure the following exterior items properly stored, secured, <u>OR</u> tied down (including items on building roofs):

- **Cranes**
- **Gas Bottles**
- **Ladders**
- **Scaffolding and construction materials**
- **Tools**
- **Barrels**
- **Boxes**
- **Any other potential missles**

The NRC observed that a note in Attachment 2 allows supervisory judgment to determine which portions of the attachment should be performed. The NRC concluded that a prudent supervisor would require step 4 of Attachment 2 to Procedure ABN-907, “Acts of Nature,” to be performed when possible.

The NRC determined that a licensee self-imposed standard was not followed in accordance with established procedural requirements, causing a deficiency that was reasonably within the licensee's ability to foresee and correct, and should have been prevented. The NRC further concluded that the finding was more than minor due to the direct observations of the resident inspectors that the material on the emergency diesel generator roof was unsecured and light enough to be blown off during high winds, with the potential to cause damage to safety-related power supplies. Finding 05000445;05000446/2009002-01 is therefore sustained. No response to the Nuclear Regulatory Commission is required.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC website at http://www.nrc.gov/reading-rm.html (the Public Electronic Reading Room).

We appreciate the opportunity to discuss this matter with you. If you have any further questions, please contact Wayne Walker at (817) 860-8148 or Clyde Osterholtz at (817) 860-8269.

Sincerely,

/RA/ AVegel for

Dwight Chamberlain, Director
Division of Reactor Projects

Dockets: 50-445; 50-446
Licenses: NPF-87; NPF-89

Attachment: Letter from Luminant Generation Company to U.S. NRC dated May 26, 2009
MLO914702300.pdf

cc w/attachment:
Mike Blevins, Chief Operating Officer
Luminant Generation Company LLC
Comanche Peak Steam Electric Station
P. O. Box 1002
Glen Rose, TX 76043

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, D.C. 20004

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

Mr. Richard A. Ratliff, Chief
Bureau of Radiation Control
Texas Department of Health
P. O. Box 149347, Mail Code 2835
Austin, TX 78714-9347

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

Mr. Brian Almon
Public Utility Commission
William B. Travis Building
P. O. Box 13326
Austin, TX 78711-3326

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 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

Chief, Technological Hazards
Branch
FEMA Region VI
800 North Loop 288
Federal Regional Center
Denton, TX 76209

Electronic distribution by RIV:
Regional Administrator (Elmo.Collins@nrc.gov)
Deputy Regional Administrator (Chuck.Casto@nrc.gov)
DRP Director (Dwight.Chamberlain@nrc.gov)
DRP Deputy Director (Anton.Vegel@nrc.gov)
DRS Director (Roy.Caniano@nrc.gov)
DRS Deputy Director (Troy.Pruett@nrc.gov)
Senior Resident Inspector (John.Kramer@nrc.gov)
Resident Inspector (Brian.Tindell@nrc.gov)
Branch Chief, DRP/A (Wayne.Walker@nrc.gov)
Senior Project Engineer, DRP/A (Clyde.Osterholtz@nrc.gov)
CP Site Secretary (Sue.Sanner@nrc.gov)
Public Affairs Officer (Victor.Dricks@nrc.gov)
Team Leader, DRP/TSS (Chuck.Paulk@nrc.gov)
RITS Coordinator (Marisa.Herrera@nrc.gov)
Regional Counsel (Karla.Fuller@nrc.gov)
Congressional Affairs Officer (Jenny.Weil@nrc.gov)
OEMail Resource

File located: R:_Reactors_CPSES\CP Finding Appeal Denial 06092009.doc ML 091910224

SUNSI Rev Compl.	☑ Yes ☐ No	ADAMS	☑Yes ☐ No	Reviewer Initials	PJE
Publicly Avail	☑ Yes ☐ No	Sensitive	☐ Yes ☑ No	Sens. Type Initials	PJE

DRP/PB/A	BC:PB/A	DD:DRP	D:DRP	
CCOsterholtz	WCWalker	AVegel	DDChamberlain	
/RA/	**/RA/ CCOsterholtz for**	**/RA/**	**/RA/ AVegel for**	
07/7/2009	07/7/2009	07/9/2009	07/9/2009	

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax