

SAFEGUARDS INFORMATION

June 9, 2010

EA-2010-051

Mr. Rafael Flores
Senior Vice President
and Chief Nuclear Officer
Luminant Generation Company LLC
Comanche Peak Steam Electric Station
6322 North FM 56
Glen Rose, TX 76043

SUBJECT: ISSUANCE OF ORDER FOR IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AND FINGERPRINTING FOR UNESCORTED ACCESS FOR COMANCHE PEAK STEAM ELECTRIC STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Flores:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Order (Enclosure 1), which modifies the general license for your proposed independent spent fuel storage installation (ISFSI) to require compliance with the (a) "Additional Security Measures (ASMs) for Physical Protection of Dry Independent Spent Fuel Storage Installations (ISFSIs)" (Attachment 1 to Enclosure 1) and (b) "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations" (Attachment 2 to Enclosure 1). Enclosure 2 is "Guidance for Licensee Evaluation of Access Authorization to Spent Fuel Storage Facilities with the Inclusion of Criminal History (Fingerprint) Records Checks." Enclosure 3 is "Process to Challenge NRC Denials or Revocations of Unescorted Access to Independent Spent Fuel Storage Installations." Enclosure 4 is "NRC Regulatory Information Summary on the NRC Threat Advisory and Protective Measures System for ISFSIs." Attachment 1 to Enclosure 1 and Enclosure 4 contain Safeguards Information (SGI).

The Commission has determined that the ASMs are required, since the events of September 11, 2001, and has concluded that the security measures should be embodied in an Order, consistent with the established regulatory framework. The required ASMs must be in place no later than 365 days from the date of this Order or 90 days before the first day that spent fuel is initially placed in the ISFSI, whichever is earlier. Additionally, you must receive written verification from the NRC that the ASMs have been adequately implemented before initially placing spent fuel in the ISFSI.

WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information," is subject to Civil and Criminal penalties.

NOTICE: Upon removal of Attachment 1 to Enclosure 1 and Enclosure 4 to the letter, this document and the enclosed Order (Enclosure 1) are DECONTROLLED.

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The Order does not obviate the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. The requirements will remain in effect until the Commission determines otherwise.

The enclosed Order calls for responses and actions within specified timeframes. With respect to the notices and submission mandated by Sections III.B and III.C of the Order for any requirement of the ASMs that necessitates an analysis or is contingent on the completion of another requirement of the ASMs, the licensee's response will be sufficient if its 20-day submission includes the following:

- The licensee states that the completion of the requirement depends on the completion of an analysis or other requirement.
- The licensee includes the expected date of completion of the analysis or other requirement.
- The licensee states that, upon such completion, it will promptly submit the results of such analysis or will inform the NRC of the completion of the other requirement and the actions thereafter proposed with respect to the requirement at issue and of the projected date of completion.

If Luminant Generation Company LLC wishes to preserve its right to request a hearing on any requirement that is contingent on the completion of an analysis or other requirement, it must file a request for an extension of time to ask for a hearing within 20 days of the Order publication date in the *Federal Register*, in accordance with Section IV of the Order. Such a request may seek a reasonable period of time to request a hearing beyond the date that the staff informs the licensee whether the actions proposed and the completion date for the requirement(s), contingent on an analysis or other requirement, are satisfactory.

Please note that letters of response to Sections III.B and III.C of the Order should be addressed to ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001. Answers to the Order, as stated in Section IV of the Order, should be addressed to the Secretary, Office of the Secretary of the Commission, Washington, DC 20555-0001.

Please contact Douglas L. Garner in the Office of Nuclear Security and Incident Response at 301-415-6786 for questions related to the ASM Order. Contact L. Raynard Wharton, of my staff, at 301-492-3316 regarding issues related to compliance with the requirements in the enclosed Order or to answer any other questions you may have. The enclosed Order has been forwarded to the Office of the Federal Register for publication.

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The material in Attachment 1 to Enclosure 1 and in Enclosure 4 contains SGI, as defined by Title 10 of the *Code of Federal Regulations* (10 CFR) 73.22, "Protection of Safeguards Information: Specific Requirements," and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, those documents will not be made available for public inspection. However, Enclosure 1, without Attachment 1, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System, which is accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,
/RA/
Catherine Haney, Director
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-74

Enclosures:

1. "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Comanche Peak Steam Electric Station Independent Spent Fuel Storage Installation" [with Attachment 1 (**SGI**) and Attachment 2]
2. "Guidance for Licensee's Evaluation of Access Authorization to Spent Fuel Storage Facilities with the Inclusion of Criminal History (Fingerprint) Records Checks"
3. "Process to Challenge NRC Denials or Revocations of Unescorted Access to Independent Spent Fuel Storage Installations"
4. "Regulatory Information Summary 2002-12D" (**SGI**)

cc: Distribution via Listserv (without SGI),
Kenn Tate, Nuclear Security Manager (with **SGI**)

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Kenn Tate, Nuclear Security Manager (with **SGI**)

DISTRIBUTION: (w/ Enclosure 1 only)

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C = COVER E = COVER & ENCLOSURE 1 (non-SGI only) N = NO COPY

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