



Luminant

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CP-201001401
Log # TXNB-10075

Ref. # 10 CFR 2.201

October 25, 2010

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4
DOCKET NUMBERS 52-034 AND 52-035
REPLY TO NOTICE OF VIOLATION 05200034(35)/2010-201-01

Dear Sir:

Pursuant to 10 CFR 2.201, Luminant Generation Company LLC (Luminant) submits herein the response to Notice of Violation 05200034(35)/2010-201-01 transmitted by the NRC on September 27, 2010 (ML102440343). The commitment made in Part 3 of the attached Response to Notice of Violation is being tracked as Regulatory Commitment #8151.

Should you have any questions regarding the response, please contact Don Woodlan (254-897-6887, Donald.Woodlan@luminant.com) or me.

Sincerely,

Luminant Generation Company LLC

Rafael Flores

Rafael Flores

Attachment: Response to Notice of Violation 05200034(35)/2010-201-01

DD90
NRD

cc: Chief, Quality and Vendor Branch 1, Division of Construction Inspection and Operational Programs, Office of New Reactors

Electronic distribution w/ attachment:

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Luminant Records Management (.pdf files only)

NOTICE OF VIOLATION
05200034(35)/2010-201-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted at the Comanche Peak Nuclear Power Plant (CP) in Glen Rose, TX, on August 2-5, 2010, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is described below:

Criterion XVI, "Corrective Action," of Appendix B "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to Title 10 of the *Code of Federal Regulations* (10 CFR Part 50), "Domestic Licensing of Production and Utilization Facilities," states that measures shall be established to assure conditions adverse to quality such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Section 16, "Corrective Action," of the Luminant Generation Company LLC., (Luminant) Quality Assurance (QA) Manual for CP Units 1 and 2, states in part, that measures have been established to ensure that conditions adverse to quality such as malfunction, deficiencies, and nonconformances will be promptly identified and corrected as soon as possible. It further states that responsibility for corrective action is assigned to the appropriate Luminant organization, contractor, applicable subcontractor, and vendor, so that each is alert to these conditions adverse to quality within its own area of activity; however, overall responsibility remains with Luminant.

Contrary to the above, as of August 5, 2010, Luminant, which has the overall responsibility for the design and development of CP Units 3 and 4, failed to take adequate and timely corrective action for a condition adverse to quality. Specifically, Luminant failed to ensure timely resolution of Mitsubishi Nuclear Energy Services' supplier deviation report No. SS-09-022-001, dated October 1, 2009, which identified the use of nonsafety-related software for safety-related design calculations by URS-Washington Group without adequate commercial grade dedication of that software. These safety-related design calculations were used, in part, to support the establishment of the design-basis input for the combined operating license application for CP Units 3 and 4.

This issue has been identified as Violations 05200034/2010-201-01 and 05200035/2010-201-01.

This is a Severity Level IV violation (Supplement 11).

**RESPONSE TO NOTICE OF VIOLATION
05200034(35)/2010-201-01**

Luminant Power agrees with the violation and the requested information follows:

1. Reason for the Violation

Luminant did not ensure timely corrective action relative to MNES's Supplier Deviation Report, SDR 09-022-001, as it applied to the Commercial Grade Dedication of the ANSYS Release 11 Software utilized for the Luminant R-COLA design basis because MNES did not fully inform Luminant of the Supplier Deviation Report and its potential impact on the R-COLA. Additionally, the MNES Procedure for Supplier Deviation Reports (QAP-GEN-7.5) did not provide sufficient instructions to ensure timely corrective action nor to inform all affected organizations. Although MNES performed follow up surveillances (SS-10-003 and SS-10-007) and an audit (SA-10-003) of URS, and these reviews provided status of the progress toward resolution, they did not ensure that the corrective actions to resolve SDR 09-022-001 were closed at the time of the NRC inspection. An additional factor that contributed to lack of timely closure of the Supplier Deviation Report is the fact that the technical adequacy of the software had been confirmed during the software Verification and Validation.

2. Corrective Steps That Have Been Taken and the Results Achieved

URS has initiated the development of a Dedication of Commercial Software Procedure that complies with 10 CFR 21, EPRI Guidance and NQA-1 (1994) to be utilized to correctly document the dedication of ANSYS Release 11. Luminant and MNES have enhanced communications and the tracking of Supplier Deviation Reports to ensure that timely corrective action is taken by MNES and its subcontractors, and that Luminant is aware of and can influence the timeliness of these corrective action activities as appropriate.

3. Corrective Steps That Will Be Taken to Avoid Further Violations

MNES will revise procedure QAP-GEN-7.5 to provide enhanced instructions to inform all affected organizations when a Supplier Deviation Report is issued and also to ensure timely corrective action. This will involve requirements to impose time restrictions and escalation methods for Supplier Deviation Reports.

4. Date When Full Compliance Will be Achieved

Full compliance will be achieved by December 31, 2010.