

## PMComanchePeakPEm Resource

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**From:** Monarque, Stephen  
**Sent:** Tuesday, January 25, 2011 11:39 AM  
**To:** John.Only@luminant.com; Donald.Woodlan@luminant.com; cp34-rai-luminant@mnes-us.com; Diane Yeager; Eric.Evans@luminant.com; joseph tapia; Kazuya Hayashi; Matthew.Weeks@luminant.com; MNES RAI mailbox; Russ Bywater  
**Cc:** ComanchePeakCOL Resource; Takacs, Michael  
**Subject:** Comanche Peak RCOL Chapter 13 Section 13.7 - RAI Number 199  
**Attachments:** RAI 5400 (RAI 199).docx

The NRC staff has identified that additional information is needed to continue its review of the combined license application. The NRC staff's request for additional information (RAI) is contained in the attachment. Luminant is requested to inform the NRC staff if a conference call is needed.

The response to this RAI is due within **35** calendar days of **January 25, 2011**.

Note: If changes are needed to the safety analysis report, the NRC staff requests that the RAI response include the proposed changes.

thanks,

Stephen Monarque  
U. S. Nuclear Regulatory Commission  
NRO/DNRL/NMIP  
301-415-1544

**Hearing Identifier:** ComanchePeak\_COL\_Public  
**Email Number:** 1219

**Mail Envelope Properties** (9C2386A0C0BC584684916F7A0482B6CA1C61B9195F)

**Subject:** Comanche Peak RCOL Chapter 13 Section 13.7 - RAI Number 199  
**Sent Date:** 1/25/2011 11:39:10 AM  
**Received Date:** 1/25/2011 11:39:41 AM  
**From:** Monarque, Stephen

**Created By:** Stephen.Monarque@nrc.gov

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**Post Office:** HQCLSTR02.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	646	1/25/2011 11:39:41 AM
RAI 5400 (RAI 199).docx	21756	

**Options**

**Priority:** Standard

**Return Notification:** No

**Reply Requested:** No

**Sensitivity:** Normal

**Expiration Date:**

**Recipients Received:**

Request for Additional Information (RAI) No. 5400, COLA, Revision 1

RAI Letter Number 199

1/25/2011

Comanche Peak Units 3 and 4  
Luminant Generation Company, LLC.  
Docket No. 52-034 and 52-035  
SRP Section: 13.07 - Fitness for Duty (Future SRP Section)  
Application Section: 13.7

QUESTIONS for Integrated Security Coordination and Policy Branch (NSIR/DSP/ISCPB)

13.07-4

In RAI No. 4243, (Comanche Peak RAI Letter No.130) The NRC staff asked the following question:

Under 10 CFR 52.79(a)(44), the Applicant's FSAR must contain a description of the fitness for duty (FFD) program required by 10 CFR Part 26 and its implementation. How does the Applicant intend to update its FFD program for the construction phase? NEI 06-06 provides examples of the FFD program that is required and, if this guidance is endorsed by the NRC, will provide an acceptable method of complying with the NRC's regulations. If the NRC endorses NEI 06-06, how does the Applicant intend to update its FFD program for the construction phase to comply with NEI 06-06? If future revisions to NEI 06-06 are endorsed by the NRC, how does the Applicant intend to update its FFD program for the construction phase to comply with certain clarifications, additions, and exception's in these future, endorsed revisions, as necessary?

In the applicant's response, on page 13.7-1, second paragraph from the bottom, there is a statement that Subpart G is not applicable because Comanche Peak does not have a lab certified by the Department of Health and Human Services (HHS). "10 CFR Part 26, Subpart G. 'Laboratories Certified by the Department of Health and Human Services,' is not applicable because CPNPP does not have a Laboratory Certified by the Department of Health and Human Services."

The staff believes the applicant is misreading Subpart G, because Section 26.153(a) states: "Licensees and other entities who are subject to this part shall use only laboratories certified under the HHS Mandatory Testing Guidelines." The staff believes Luminant is stating that using an HHS lab is optional. HHS labs are used for "testing urine specimens for validity and the presence of drugs and drug metabolites" (Section 26.151). Please clarify the intent of your response to this RAI.

13.07-5

In RAI No. 4243, (Comanche Peak RAI Letter Number 130) The NRC staff asked the following question:

Under 10 CFR 52.79(a)(44), the Applicant's FSAR must contain a description of the fitness for duty (FFD) program required by 10 CFR Part 26 and its implementation. How does the Applicant intend to update its FFD program for the construction phase? NEI 06-06 provides examples of the FFD program that is required and, if this guidance is endorsed by the NRC, will provide an acceptable method of complying with the NRC's regulations. If the NRC endorses NEI 06-06, how does the Applicant intend to update its FFD program for the construction phase to comply with NEI 06-06? If future revisions to NEI 06-06 are endorsed by the NRC, how does the Applicant intend to update its FFD program for the construction phase to comply with certain clarifications, additions, and exception's in these future, endorsed revisions, as necessary?

The applicant's response refers to "Impact of R-COLA" and states, "See marked-up FSAR Revision 1 pages 13.7-1 and 13.7-2." In this replaced section, the applicant writes:

The existing Luminant FFD program (Reference 13.7-202) will be revised to apply to all four units and to address the specific items identified in NEI 06-06, i.e., add definitions and references regarding Construction Site and Construction Workers, Excluded Workers, etc. It is anticipated that all of the processes for collection, review and record keeping will be consistent with the existing program.

To the staff, the first sentence seems contradictory. The first part of the sentence states the existing Luminant FFD program, which is an operations program, will apply to all four units. The second part of the sentence states the existing Luminant FFD program which is an operations program, will address specific items identified NEI 06-06, which provides program guidance for construction at a nuclear power plant. The operations program for the two existing reactors cannot follow construction program guidance. Are the two reactors that will be constructed follow the existing operations program, or NEI 06-06?