

## **PMComanchePeakPEm Resource**

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**From:** Monarque, Stephen  
**Sent:** Tuesday, March 22, 2011 9:03 AM  
**To:** Donald.Woodlan@luminant.com; John.Only@luminant.com  
**Cc:** ComanchePeakCOL Resource  
**Subject:** Comanche Peak license Conditions and regulatory commitments  
**Attachments:** LICENSE CONDITIONS and regulatory commitments list.docx

Don/John,

I have updated the list of regulatory commitments and have expanded the license conditions. I only included the license conditions that were addressed in RAIs and RAI responses.

Thanks,

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

**Hearing Identifier:** ComanchePeak\_COL\_Public  
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**From:** Monarque, Stephen

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## LIST OF LICENSE CONDITIONS

### FOR COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4

1. By letter dated May 1, 2009 ML091250488, Luminant in response to RAI #2 (2317) for FSAR section 5.3.2, stated "in order to ensure timely NRC review of PTS evaluation using the as-procured reactor vessel material properties, the evaluation will be provided within 12 months after acceptance of RV.

This commitment will be included as part of the proposed license condition, Table 13.4-201, item 5."

In response to a follow-up RAI 8 (2353), Luminant deleted the phrase 'This commitment will be included as part of the proposed license condition, Table 13.4-201, item 5.' and will submit this license condition in COLA part 10, Inspections, tests, Analyses and acceptance criteria and proposed license conditions.

Note license condition was included in Part 10 of COLA, Revision 1

2. By letter dated September 16, 2010, Luminant provided its response to RAI 3295 for 13.03. In its response Luminant provided the following proposed license condition

The licensee shall complete development of the site-specific Emergency Action Levels (EALs) presented in Appendix 1 to the Comanche Peak Nuclear Power Plant Units 3 & 4 Combined License Application Emergency Plan in accordance with 99-01, Revision 5, with few differences or deviations. The fully developed site-specific EAL scheme shall be submitted to the NRC for confirmation at least 180 days prior to initial fuel load.

3. By letter dated December 16, 2010, Luminant provided its response to the staff's RAIs on part 1 financial information. In its response Luminant provided the following proposed license condition for Part 10:

Prior to commencing construction and throughout the term of the license, the licensees shall implement the Comanche Peak provisions of the Nuclear Power Plant Units 3 and 4, Negotiation action Plan dated December 15, 2010 relating to the terms of Amended and Restated limited liability Company Agreement (LLC Agreement) for CPNPC and Luminant's authority pursuant to the construction and operating services agreement (COSA). The provisions of section 5.1(g) of the LLC Agreement and Section 2.1.2 of the COSA relating to authority regarding safety and security issues may not be modified in any material respect without first giving 30 days prior written notice to the Director, Office of Nuclear Reactor Regulation.

4. By letter dated January 14, 2011, the NRC staff issued an RAI on Parts 30, 40 and 70. In its RAI, the NRC staff referred to memorandum (ML083030065), dated December 9, 2008, that proposed Combined License (COL) applicants incorporate the following license conditions in the COLA, Part 10, "Inspections, Tests, Analyses and Acceptance Criteria (ITAAC) and Proposed License Condition."

A. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Luminant Generation Company, LLC and Comanche Peak Nuclear Power Company LLC:

(1) (i) Pursuant to the Atomic Energy Act of 1954 (the Act) and 10 CFR Part 70, "Domestic licensing of special nuclear material," to receive and possess at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, described in the final safety analysis report (FSAR), as supplemented and amended;

(ii) Pursuant to the Act and 10 CFR Part 70, to use special nuclear material as reactor fuel, after the finding in Section 2.D(1) of this license has been made ((note: 2D(1) is a reference to the 10 CFR 52.103(g), "Operation under a combined license," finding), in accordance with the limitations for storage and amounts required for reactor operation, and described in the FSAR, as supplemented and amended;

(2) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

B. The licensee shall implement applicable portions of the Fire Protection Program prior to initial receipt of byproduct, source, or special nuclear materials onsite (excluding Exempt Quantities as described in 10 CFR 30.18).

5. By letter dated August 25, 2010, the NRC staff issued RAI 173. In its RAI, the staff stated Consistent with the guidance in RG 1.206, Regulatory Position C.111.4.3, "Combined License Information Items That Cannot Be Resolved Before the Issuance of a License," the applicant identified in Comanche Peak Nuclear Power Plant (CPNPP) Units 3 and 4 FSAR Table 13.4-201, "Operational Programs Required by NRC Regulation and Program Implementation," Item 19, Initial Test Program (ITP) activities that will be subject to a license condition. In addition to the ITP activities identified in Table 13.4-201, the NRC staff has identified the following post-COL items in FSAR Section 14.2.13, "COL Information Items" as license conditions. Accordingly, Luminant is requested to implement these license conditions.

**License Conditions for Post Combined License (COL) Items**

**License Condition for Preoperational and Startup Test Specifications and Procedures, US-APWR DCD Section 14.2.13, COL License Information**

During the post-licensing period, preoperational and startup test specification, and test procedures will be subject to a license condition for NRC inspections to verify that the licensee implements the ITP. This process will allow for the performance of necessary plant as-built inspections and walk downs. The licensee will make available to on-site NRC inspectors preoperational and startup test specifications and test procedures 60 days prior to their intended use.

**License Condition for Preoperational and Startup Test Specifications and Procedures, US-APWR DCD Section 14.2.13, COL License Information**

Prior to initiating the plant's ITP, a site specific startup administration manual (SAM) (procedures), which includes administrative procedures and requirements that govern the activities associated with the plant ITP is to be provided to on-site NRC inspectors.

**License Condition for the Power Ascension Test Phase, US-APWR DCD Section 14.2.13, COL License Information, COL Item 14.2,**

Certain milestones in the startup testing phase of the ITP (e.g., pre-critical testing, criticality testing and low-power testing) should be controlled through this license condition to ensure that the

designated licensee management reviews, evaluates, and approves relevant test results before proceeding to the power ascension test phase. Accordingly, the licensee shall perform the following:

(a) Complete all pre-critical and criticality testing and confirm that the test results are within the range of values predicted in the FSAR acceptance criteria. After completing and evaluating criticality test results, the licensee will conduct low-power tests and will operate the facility at reactor steady-state core power levels not in excess of 5 percent power, in accordance with the conditions of the license.

(b) Complete all low-power testing and confirm that the test results are within the range of values predicted in the acceptance criteria in the facility's FSAR. After completing and evaluating low-power test results, the licensee will conduct power ascension testing and will operate the facility at reactor steady-state core power levels not in excess of **100** percent power, in accordance with the conditions of the license.

The licensee is responsible for the review and evaluation of the adequacy of these test results, as well as final review of overall test results. Test results, which do not meet acceptance criteria, are identified and corrective actions and retests are performed. These results shall be made available to on-site NRC inspectors.

License Condition for the Test Program Schedule, US-APWR DCD Section 14.2.13, COL License Information, COL Item 14.2

Prior to initial fuel load, the licensee shall submit a schedule, no later than 12 months after issuance of the **COL**, and updated every 6 months until 12 months before scheduled fuel loading, and every month thereafter until either the operational program for the ITP in Comanche Peak Nuclear Power Plant (CPNPP) COL FSAR Table 13.4-201, Item 19, has been fully implemented or the plant has been placed in commercial service, whichever comes first. This schedule shall support implementation details of the ITP and planning for the conduct of NRC inspections of operational programs listed in the operational program CPNPP COL FSAR Table 13.4-201, Item 19.

License Condition for Test Changes

Within one month of any ITP changes described in CPNPP Units 3 and 4 FSAR Section 14.2, the licensee shall evaluate these changes in accordance with the provisions of **10** CFR 50.59 or Section VIII of Appendix A to 10 CFR Part 52 and report them in accordance with 10 CFR 50.59(d).

**LIST OF REGULATORY COMMITMENTS**  
**FOR COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4**

**1. By letter dated April 21, 2009, Luminant provided conditions for using the online reference portal. (ML091120717)**

Number

5751

Commitment

Luminant confirms that the conditions listed in the referenced NRC letter will be maintained throughout the duration of the CPNPP COL application review process for as long as the electronic room is available to NRC reviewers.

Due Date/Event

Ongoing

**2. By letter dated May 1, 2009, Luminant provided responses to requests for additional information No 2317 and 2332. (ML091250488)**

Number

5761

Commitment

In order to enable timely NRC review of the pressurized thermal shock (PTS) evaluation using the as-procured reactor vessel material properties, the evaluation will be provided within 12 months after acceptance of the reactor vessel. This commitment will be included as part of the proposed license condition in Table 13.4-201, item 5.

Due Date/Event

This commitment will be implemented prior to initial criticality.

**3. By letter dated October 29, 2010 Luminant provided Mitgative Strategies Report Revision 1. This letter provided additional commitments and listed those commitements that have been deleted.**

Number \_\_\_\_\_ Commitment \_\_\_\_\_

~~5911 \_\_\_\_\_ Training will be performed for fire brigade personnel in large area accelerant fed fires.~~

Commitment Due Date/Event

Commitment deleted duplicate of 5901.

Number \_\_\_\_\_ Commitment \_\_\_\_\_

5961 \_\_\_\_\_ The procedures to provide staged onsite water sources and an alternate offsite feed path to the ring header will be developed prior to fuel load.

Commitment Due Date/Event

Commitment deleted

**4. By letter dated June 17, 2009, Luminant provided responses to request for additional information No 2614. (ML091740112)**

Number

6101

Commitment

Inservice Inspection: The COL applicant is to establish a turbine maintenance and inspection procedure prior to fuel load.

Due Date/Event

This commitment will be implemented prior to fuel load.

**5. In response to staff's RAI 8 (2353), on August 7, 2009, Luminant to provide regulatory commitment to FSAR 5.3.2.**

<u>Number</u>	<u>Commitment</u>	<u>Due Date</u>
6231	The COL holder will update the P/T limits prior to fuel loading using PTLR methodologies approved in the USAPWR DCD and the plant Specific material properties and inform the NRC of the updated P/T limits as required by the CPNPP 3 and 4 technical specifications.	prior to initial fuel load

6. In response to the staff RAI 7 (2513), on August 7, 2009, Luminant to provide a regulatory commitment to FSAR Table 1.8-201, revise COL 10.3(1), and revise FSAR, Revision 0, pages 10.3-1, 10.3-2, and 10.3-3 (FSAR section 10.3.6.3.1) to reflect this commitment

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6241	the flow accelerated corrosion (FAC) monitoring program will be established	prior to initial fuel load

7. By letter dated September 22, 2009, Luminant provided responses to requests for additional information No 2730, 2737, 3287. (ML092670160)

Number

6451

Commitment

The PRA for RMTS will be updated to satisfy the PRA technical adequacy described in the NEI guidelines and will be available one year prior to fuel load.

Due Date/Event

One year prior to fuel load

8. TXMB-09048, dated September 24, 2009 ML092720676

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6481 \_\_\_\_\_ Plant high confidence of low probability of failure (HCLPF) values for the plant specific SSCs such as cooling towers, will be confirmed with a calculation using EPRI TR-103959 methodology after completion of seismic design and stress analysis of the SSCs.

Commitment Due Date/Event

Mid-2010

Revised Commitment Due Date/Event

March 31, 2011 — By letter dated May 24, 2010, ML101460210, Luminant revised this date since the seismic design and stress analysis will not be completed until the end of 2010, followed by the HCLPF calculations by the end of March 2011.

By letter dated March 14, 2011, Luminant provided a letter that re-scheduled regulatory commitments. Regulatory commitments 6481, 6491, 6631, and 6641 were combined into 8256.

**9. TXMB-09048, dated September 24, 2009 ML092720676**

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6491 \_\_\_\_\_ When the seismic margin analysis for the design certification is available, we will confirm that the analysis envelopes the plant specific design.

Commitment Due Date/Event

Mid 2010

Revised Commitment Due Date/Event

~~March 31, 2011 — By letter dated May 24, 2010, ML101460210, Luminant revised this date. Since the seismic design and stress analysis will not be completed until the end of 2010, followed by the seismic margin analysis by the end of March 2011.~~

By letter dated March 14, 2011, Luminant provided a letter that re-scheduled regulatory commitments. Regulatory commitments 6481, 6491, 6631, and 6641 were combined into 8256.

**10. On October 19, 2009, Luminant provided its response to staff's RAIs 2749, 2751, 2758, 2760, 2795, 2970, 2971, 3033, 3225, 3398, 3401, 3402, 2556, and 3557.**

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6521 the details of the requested information will be submitted with the procedure generation package for the EOPs that will be submitted to the NRC at least 3 months prior to the start of formal operator training on the EOPs. The PGP will include detailed information on the following (a) a description of the process used to develop plant specific technical guidelines (P-STGs) from the USAPWR generic technical guidelines, (b) identification of (safety) significant deviations from the generic guidelines, including the identification of additional equipment beyond that identified in the generic technical guidelines, and engineering evaluations or analyses as necessary to support the adequacy of each deviation, and (c) in accordance with the human factors program (FSAR Section 18.8), a description of the process used to identify operator information and control requirements.

Commitment Due Date/Event

3 months prior to start of formal operator training

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6531 Specific sample points will be located during detailed design and will ensure that representative samples of the pond are taken before the contents are transferred To the Squaw Creek Reservoir via the CPNPP Units 1 and 2 circulating water return line.

Commitment Due Date/Event

Detailed design

Number

Commitment

6541

The [interim radioactive waste] building will be designed in accordance with the applicable regulatory requirements and NRC/industry guidance referenced in FSAR Subsection 11.4.2.3.

Commitment Due Date/Event

Detailed design

**11. In response to the NRC staff's RAI 52 (3294) on October 21, 2009, Luminant provided a regulatory commitment to FSAR 9.1.5 to reflect this commitment.**

Number

Commitment

Due date

6551

A heavy load handling program, including associated procedural load and administrative controls, will be established prior to fuel load and will address the following attributes consistent with the standard and regulatory guidance identified in revised FSAR section 9.1.5:

prior to fuel

A listing of all heavy loads and heavy load handling equipment outside the scope of loads described in the referenced certified design and the associated heavy load attributes (load weight and typical load path)

Heavy load handling safe load paths and routing plans including descriptions of automatic and manual interlocks and safety devices and procedures to assure safe load path compliance

Heavy load handling equipment maintenance manuals and procedures  
Heavy load handling equipment inspection and test plans  
Heavy load handling personnel qualifications, training, and control programs

Quality assurance (QA) programs to monitor, implement, and ensure compliance with the heavy load handling program.

**12. By letter dated October 26, 2009, in response to the Staff's RAIs 54-59, Luminant provided the following regulatory commitments.**

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6561	Luminant confirms that alternate methods for verification of Valve position indicator operation, and the justification, that Are incorporated into the IST program will be made available Consistent with the implementation schedule for the IST program to provide for timely review during NRC inspection of the IST program prior to plant operation. Alternate methods for verification of valve position indicator operation, if necessary, will meet requirements of ASME OM Code ISTC-3700.	prior to commercial service

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6571	Luminant will transition the activities for the NuBuild project To the QAP Document based on NQA-1, RG 1.8, RG 1.28, And RG 1.33 sometime during the construction of CPNPP Units 3 and 4. The transition will be complete no later than 30 days before fuel load of CPNPP, Unit 3.	No later than 30 days prior to Unit 3 fuel load

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6581	Site-specific operational procedures for CPNPP units 3 and 4 will be developed during the transition as they are needed. In particular, procedures for radioactive effluents, analytical Procedures, instrument calibration and regulated records will be developed before Unit 3 fuel load which will comply with the CPNPP 3 and 4 QAPD, NQA-1 and relevant NRC RGs as discussed in the COLA.	No later than 30 days prior to Unit 3 fuel load

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6431	The plan for the CPNPP Units 3 and 4 seismic qualification program will be provided in MUAP-08015, revision 1, by the end of October 2009	Dec 31, 2009 (revised from October 30, 2009)

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6591	Luminant commits to submit a schedule to the NRC that supports the planning and conduct of NRC inspections of operational programs, including the IST program, no later than 12 months after issuance of the COL or at the start of construction as defined in 10 CFR 50.10a, whichever is later. This is similar to the approach for the ITAAC schedule required in 10 CFR 52.99(a).	12 months after COL or at start of construction, whichever is later

**13. By letter dated November 5, 2009, Luminant provided its response to the staff's RAIs 27557, 2819, 2836, 2837, and 3592.**

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6601	Luminant does plan to hare resources between the proposed CPNPP Units 3 and 4 and the existing CPNPP U 1 and 2 at the Comanche peak site. The plans for resources sharing are not yet matured, but will be provided to the NRC 18 months prior to Unit 3 fuel load. The plan will include sharing of personnel between the units, a description of their duties, and proportion of their time that they may routinely be assigned between the units.	18 months prior to U 3 fuel load

<u>Number</u>	<u>Commitment</u>	<u>Due date</u>
6611	In addition, the training program will be accredited prior to fuel load or within the time frame established by INPO and the operating company senior management using the guidance provided by ACAD 08-001, "The Process for Initial Accreditation of Training in the Nuclear Power Industry."	Prior to fuel load

14. By letter dated November 11, 2009, Luminant provided its response to staff's RAIs 3113, 3315, 3319, 3511, 3674, 3675, 3677, 3705, 3729, 3790, and 3834.

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6631 \_\_\_\_\_ With regard to the application of more recent guidance for PRA based SMA methodology as applicable to the site specific features of the COLA, Luminant plans to revise the COLA to incorporate the EPRI TR-1002988, "Seismic Fragility Application Guide" in response to the draft ISG-20, which is expected to prescribe detailed items that should be included in the FSAR. EPRI TR-1002989, "Seismic PRA Implementation Guide," may also be incorporated into the FSAR.

Due Date

COLA Revision 2

Revised Commitment Due Date/Event

March 31, 2011 — By letter dated May 24, 2010, ML101460210, Luminant revised this date. Since the seismic design and stress analysis will not be completed until the end of 2010, followed by the seismic margin analysis by the end of March 2011.

By letter dated March 14, 2011, Luminant provided a letter that re-scheduled regulatory commitments. Regulatory commitments 6481, 6491, 6631, and 6641 were combined into 8256.

Number \_\_\_\_\_ Commitment \_\_\_\_\_

6641 \_\_\_\_\_ Luminant will revise the FSAR to include a description of the site specific SMA results, including makeup water and seismically driven common failure mode considerations for the UHS mechanical draft cooling towers, in response to ISG-20.

Due Date

COLA revision 2

Revised Commitment Due Date/Event

March 31, 2011 — By letter dated May 24, 2010, ML101460210, Luminant revised this date. Since the seismic design and stress analysis will not be completed until the end of 2010, followed by the seismic margin analysis by the end of March 2011.

By letter dated March 14, 2011, Luminant provided a letter that re-scheduled regulatory commitments. Regulatory commitments 6481, 6491, 6631, and 6641 were combined into 8256.

Number      Commitment

6651      In accordance with the changes to the DCD, CPNPP, Units 3 and 4 plant specific TS will use ISG option 3 as proposed in DC/COL-ISG-8, with the reference to USAPWR Technical report MUAP-09022 (NRC approved version)

Due Date

COLA revision 2

Number      Commitment

~~6661      The response to RAI 3698 (RAI # 109) question 09.02.01-1 will provide the calculation of available NPSH and will provide changes to FSAR subsection 9.2.5 regarding required ESW pump NPSH during the 30 day period following a LOCA.~~

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

**15. By letter dated November 12, 2009, Luminant provided its response to staff's RAIs 3105, 3327, and 3451.**

No.      Commitment

~~6671      A proposed license condition will be included in a future revision to Part 10 of the COLA.~~

~~\_\_\_\_\_ Due Date~~

~~\_\_\_\_\_ November 19, 2009~~

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

16. By letter dated November 13, 2009, (ML093210468) Luminant provided its response to RAIs 2736, 2840, 2996, 3293, 3366, and 3532. Supplemental letter dated January 13, 2010 Luminant revised due date for commitment 6711 from 'January 13, 2010' to 'when NRC approves of final version of NEI 06-14A.'

<u>Number</u>	<u>Commitment</u>
6681	This transition [to the CPNPP 3 and 4 QAPD] will be complete no later than 30 days before fuel load for CPNPP Unit 3.

Due Date/event

30 days prior to Unit 3 fuel load

<u>Number</u>	<u>Commitment</u>
6691	RG listed in COLA FSAR Table 1.9-201 that are not in the CPNPP 1 and 2 QAP will be included as part of contract requirements for companies performing COLA work.

Due Date/event

Ongoing

<u>Number</u>	<u>Commitment</u>
<del>6711</del>	<del>RG 1.8, RG 1.28, and RG 1.33 have been added to Revision 1 of the QAPD, but the following exceptions not listed in Revision 1 are to be taken by Luminant. These exceptions will be incorporated into an update of the CPNPP 3 and 4 QAPD.</del>

Due Date/event

~~When NRC approves of final version of NEI 06-14A.~~

By letter dated June 24, 2010 (ML101810385), Luminant informed the NRC staff that it had completed regulatory commitment 6711.

<u>Number</u>	<u>Commitment</u>
<del>6721</del>	<del>Although this response [to CP RAI #83 Question 14.03.07-28] addresses the question asked, Luminant commits to revise the ITAAC by December 10, 2009 to include a description for each system in the COLA ITAAC to be consistent with DCD Tier 1 system descriptions.</del>

Due Date/event

~~December 10, 2009~~

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

**17. By letter dated November 16, 2009, Luminant provided its response to staff's RAIs 3316, 3318, 3510, and 3673.**

No.                      Commitment

~~6731                      Once NEI 07-08 is approved by the NRC, FSAR chapter 12 referenced sections will be revised to reflect the approved version NEI 07-08A and differences, if any, will be addressed.~~

~~\_\_\_\_\_ Due Date~~

~~\_\_\_\_\_ June 30, 2010~~

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory commitment 6731.

Number                      Commitment

~~6741                      Once NEI 08-08 is approved by the NRC, FSAR chapter 12 referenced sections will be revised to reflect the approved version NEI 08-08 and all differences, if any, will be addressed.~~

~~\_\_\_\_\_ Due Date~~

~~\_\_\_\_\_ June 30, 2010~~

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory commitment 6741.

**18. By letter dated November 16, 2009, Luminant provided its response to the staff's RAI 3183.**

No.                      Commitment

~~6751                      proposed revisions to the ETE report require review by state and local governments prior to implementation. The revised ETE will be submitted to state and local Governments for final review and certification, and will be submitted to NRC Following certification.~~

~~\_\_\_\_\_ Due date~~

~~\_\_\_\_\_ June 30, 2010~~

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 6751.

**19. By letter dated November 20, 2009, Luminant provided its response to RAIs 2828 and 3698.**

No.                      Commitment

~~6801~~                      ~~FSAR figure 9.5.1-201 will be revised to show the fire protection water supply system interface with ESWS~~

~~\_\_\_\_\_~~                      Due Date

~~\_\_\_\_\_~~                      February 23, 2010

By letter dated February 22, 2010 (ML100550203), Luminant informed the NRC staff that it had completed Regulatory Commitment 6801.

**20. By letter dated November 18, 2009, Luminant submitted its response to staff's RAI 2864, 3295, and 3327.**

Number                      Commitment

~~6761~~                      ~~CPNPP EALs provided in Appendix 1 of the Emergency Plan will be updated to include current US APWR design information and to indicate the differences and deviations (to NEI 99-01, Revision 5) currently known to Luminant.~~

Due Date/Event

~~GOLA Revision 2~~

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

Number                      Commitment

6771                      As discussed in Critical Element 2, the fully developed site-specific EAL scheme will be incorporated into Appendix 1 of the Emergency Plan. Accordingly, future changes to the EAL scheme will require an evaluation under 10 CFR 50.54(q) to determine if these changes will reduce the effectiveness of the Emergency Plan.

Due Date/Event

At least 180 days prior to initial fuel load

Number                      Commitment

6781                      The existing EOF will be modified to include Units 3 and 4 data displays described in the US-APWR DCD.

Due Date/Event

Prior to implementation of Emergency plan

21. By letter dated November 24, 2009, Luminant submitted its response to staff's RAI 2879. ML093340447

Number \_\_\_\_\_ Commitment

6811 \_\_\_\_\_ The COLA FSAR will be revised to incorporate as necessary the results of the MHI SSI analyses.

Due Date/Event

COLA Revision 2

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 6811.

Number \_\_\_\_\_ Commitment

6821 \_\_\_\_\_ The site specific SSI analyses of the R/B will be revised to address the changes in the building basement configuration and design enhancements. The FSAR will be revised in COLA Revision 2 to include the SSI analyses that will provide SASSI calculated dynamic earth pressures for direct comparison. FSAR Sections 3.7 and 3.8 and Appendix 3NN will be revised in the next COLA revision to address the basemat configuration and design embedments and to provide SASSI calculated dynamic earth pressures.

Due Date/Event

COLA Revision 2

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 6821.

6831 \_\_\_\_\_ Because of the large ratio of the standard plant input motion versus the site-specific input motion, the assumptions for the standard plant design of the A/B and T/B were considered to envelope the critical responses of the non-uniform site-specific soil column profiles, and were not validated by performing site-specific SSI analyses. SSI analyses for A/B and T/B in generic standard soil input will be performed by May 2010.

Due Date/Event

May 2010

Revised Commitment Due Date/Event

January 31, 2011 — By letter dated May 24, 2010, ML101460210, Luminant revised this date. Since the SSI analysis for seismic category 2 buildings has been rescheduled to be completed by December 31, 2010.

By letter dated February 28, 2011, Luminant informed the staff that it had completed 6831 and 8254.

**22. By letter dated December 10, 2009, Luminant provided its response to staff's RAI 2994.**

Number                      Commitment

6871                      the response to RAI 3006 question 3.8.4-52, to be submitted no later than December 21, 2009, provides further discussion on the testing methods of the engineered backfill for CPNPP, Units 3 and 4

Due Date/Event

December 21, 2009

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

Number                      Commitment

6881                      The description of this equivalent time travel method will be added to FASR sections 3NN.2 and 3NN.3 in the response to RAI 3006 (CP RAI 122) question 03.08.04-53 to be submitted to the NRC no later than December 21, 2009.

Due Date/Event

December 21, 2009

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

**23. By letter dated December 16, 2009 Luminant submitted its responses to RAIs 3232 and 3762.**

Number                      Commitment

6891                      FSAR figure 3.8-206 and related chapter 3 figures will be revised in a future FSAR UTR as the detailed ESW and transfer pump room ventilation design and equipment layout progresses.

6901                      The ESW transfer pump room flooding event evaluation will be described in a new FSAR subsection 3.4.1.5.3 and the details of the floor drain and sill design will be shown in FSAR figure 3.8-209 or related section 3.8 figures in a future UTR. FSAR subsection 9.4.5.3.6 will also be revised to reflect the new flooding related FSAR information.

Due Date/Event

Future UTR

**24. By letter dated February 19, 2010, Luminant provided its response to RAIs 127, 128, and RAI 10.**

Number                      Commitment

~~7201                      DCD Tier 2 subsections 9.5.1.1 will be revised to address deviations from the NFPA codes and standards as identified in RG 1.189 Regulatory position 1.8.6 and FSAR 9.5.1-1R. Revision to DCD Tier 2 subsection 9.5.1.1 will be provided in an upcoming DCD UTR.~~

Due Date/Event

~~April 30, 2010~~

*By letter dated April 20, 2010 TXNB-10033, this above commitment was completed.*

**25. By letter March 5, 2010, Luminant provided its response to RAIs 135, and supplemental response to RAI 97.**

Number                      Commitment

~~7221                      site specific design considerations for compliance with RG 4.21 will be added in FSAR chapter 12. This RAI response will be revised to incorporate the changes by end of May 2010.~~

Due Date/Event

~~May 31, 2010~~

Number                      Commitment

~~7231                      subsection 12.3.1 will be added to the DCD to delineate the design features incorporated into the USAPWR. This section will identify the design features discussed in RG 4.21 and where these features are specifically discussed in the DCD. The changes will be provided in MHI letter to NRC by end of May 2010.~~

Due Date/Event

~~May 31, 2010~~

By letter dated June 29, 2010, Luminant revised the commitments dates for 7221 and 7231 from May 31, 2010 to June 30, 2010.

By letter dated October 29, 2010, (ML103060044) Luminant informed the NRC staff that it had completed 7221 and 7231. Additionally, by letter dated September 22, 2010, Luminant informed the NRC staff that it had completed 7221.

**26. By letter dated April 5, 2010, Luminant provided its response to RAIs 149 and 150.**

Number \_\_\_\_\_ Commitment

7351 \_\_\_\_\_ The first sentence in the third paragraph of DCD subsection 3.3.2.3 will be corrected in the next revision of the DCD to delete 'including loss of its siding' for the AC/B.

Due Date/Event

DCD Revision 3

By letter dated April 20, 2010 (ML101130045), Luminant informed the NRC staff that it had completed 7351.

**27. By letter dated April 12, 2010, Luminant submitted security changes due to the opening of Squaw creek Reservoir.**

Number \_\_\_\_\_ Commitment

7381 \_\_\_\_\_ include SCR change in the next revision of the physical security plan.

Due Date/Event

COLA Revision 2

**28. By letter dated April 20, 2010, Luminant provided its response to RAIs 143 and 144.**

Number \_\_\_\_\_ Commitment

7391 \_\_\_\_\_ Calculation packages 011 and 012 are currently under revision in response to questions 2.4.3-5, 2.4.3-7, 2.4.3-8, and 2.4.3-10. Calculation package 015 is currently under revision in response to RAI No 4311 (CP # 140) questions 2.4.4-6 and 7. The revised calculation packages will be submitted upon completion.

Due Date/Event

December 20, 2010

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 7391.

**29. By letter dated May 18, 2010, Luminant provided its response to RAI 152.**

<u>Number</u>	<u>Commitment</u>
7431	periodic testing of cable insulation for underground (including medium voltage) cable within the scope of the maintenance rule (10 CFR 50.65) is conducted IAW established industry guidance to detect potential degradation from moisture intrusion. A cable monitoring program that includes methods for cable selection, test methods, and test frequencies will be implemented prior to fuel load authorization.

Due Date/Event

Fuel load authorization

**30. By letter dated June 10, 2010, Luminant provided its response to COLA Part 1 RAIs.**

<u>Number</u>	<u>Commitment</u>
7501	<del>Question 2a. The tables presenting this financial data will be updated in future Updated Tracking Report.</del>

Due Date/Event

~~June 30, 2010~~

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 7501.

<u>Number</u>	<u>Commitment</u>
7511	<del>Question 5a. These changes regarding the citizenship of the representative Group members will be incorporated in and a markup will be provided with the Updated Tracking Report for an update to the tables in Part 1.</del>

Due Date/Event

~~June 30, 2010~~

By letter dated July 28, 2010, Luminant informed the NRC staff that it had completed regulatory Commitment 7511.

**31. By letter dated June 24, 2010, Luminant provided its response to COLA RAIs 4585**

Number

Commitment

7531

UAP-SGI-08002, high assurance evaluation assessment will be revised as stated in response to questions 13.06.01-25, 27, 28, 33, 34, and 35.

Due Date/Event

December 31, 2010

Number

Commitment

7541

question 13.06.01-35, DCD subsection 13.6.2.6 will be revised to provide consistency in use of backup and standby power.

Due Date/Event

Next DCD revision

Number

Commitment

7551

question 13.06.01-4, Luminant confirms 10 CFR 74.19 record keeping requirements will be fully implemented for possession and storage of category III SNM prior to receipt of fuel onsite for CPNPP Units 3 and 4 in the protected area.

Due Date/Event

Prior to receipt of fuel in protected area

Number

Commitment

7561

security plan will be revised as stated in response to questions 13.06.01-14, 15, 16, 19, 20-23, 26, 29, 30, 35, 36, 41, 45-47, 50, and 51

Due Date/Event

Next COLA revision

Number

Commitment

7571

(question 13.06.01-27), UAP-SGI-10003, revision 0, will be revised to clearly indicate that waterborne threat is encompasses in analysis.

Due Date/Event

December 31, 2010

**32. By letter dated June 25, 2010, Luminant provided its response to COLA RAIs 4607, 4613, 4681, and 4712.**

~~Number~~

~~Commitment~~

~~7581~~

~~(RAI CP # 164 Question 14.02-18) Similar changes to table 1.9-201 will be made for other RGs not associated with Section 14.2 in a future FSAR update tracking report.~~

~~Due Date/Event~~

~~Future FSAR UTR~~

By letter dated October 11, 2010, (ML102880630) Luminant informed the NRC staff that it had completed 7581.

**33. By letter dated September 22, 2010, Luminant provided its response to COLA RAI 4206.**

Number

Commitment

7801

In the next revision of the DCD docuent currently scheduled for march 2011, subsection 9.1.3.2.1.3 will be revised to include the operating experience discussed in EPRI TR 1013470.

Due Date/Event

March 30, 2011

**34. By letter dated September 29, 2010, Luminant provided supplemental response to RAI 3592, 4606, and 4607.**

Number \_\_\_\_\_ Commitment

7781 \_\_\_\_\_ This response to question 2.5.4-22 will be supplemented with figures to provide additional information regarding excavations, fills, and slopes for category 1 structures.

Due Date/Event

October 25, 2010

Number \_\_\_\_\_ Commitment

7811 \_\_\_\_\_ Luminant is determining if there are other necessary changes to the FSAR resulting from the response to this question, CP RAI 155, question 2.3.1-6. Any additional FSAR changes will be submitted as a supplement to this response no later than October 29, 2010.

By letter dated October 29, 2010, (ML103060043) Luminant informed the NRC staff that it had completed 7781. By letter dated October 21, 2010, (ML102980032) Luminant informed the NRC staff that it had completed 7811.

**35. By letter dated November 8, 2010, Luminant submitted supplemental responses to RAIs 2818 and 2819. In this same letter, Luminant stated that it had completed Regulatory Commitment 8131 made in a letter TXNB-10073, dated October 21, 2010.**

**36. By letter dated October 25, 2010 Luminant provided a reply to notice of violation 05200034(350/2010-201-01. (ML102990430)**

Number \_\_\_\_\_ Commitment

8151 \_\_\_\_\_ 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.

Due Date/Event

December 31, 2010

**37. By letter dated October 29, 2010 Luminant provided Mitgative Strategies Report Revision 1. This letter provided additional commitments and listed those commitments that have been deleted.**

<u>Number</u>	<u>Commitment</u>
8191	Site procedures and guidelines address dosiemetry for offsite responders, including estimates for quantities, the process for distribution and the process for acquiring additional dosimetry resources. These procedures will be revised and updated to incorporate Units 3 and 4.

Due Date/Event

Six months prior to fuel load

<u>Number</u>	<u>Commitment</u>
8201	Guidance for the number, location and process for distribution of the radios is in site procedures and will be updated to include an appropriate number of radios for Units 3 and 4 using performance based evaluations.

Due Date/Event

Six months prior to fuel load

<u>Number</u>	<u>Commitment</u>
8211	CPNPP 3 and 4 Guidance will contain requirements to maintain radios at multiple locations and have sufficient chargers and batteries.

Due Date/Event

Six months prior to fuel load

<u>Number</u>	<u>Commitment</u>
8221	These emergency plan procedures have been evaluated and found to be adequate for projecting doses for offiste exposure for CPNPP 3 and 4 and will be revised to include CPNPP 3 and 4.

Due Date/Event

Six months prior to fuel load

**38. By letter dated November 24, 2010 (ML103340109), Luminant provided response to RAIs 173, 184, and 186. This letter provided commitment no. 8239.**

Number

Commitment

8239

Revise DCD technical specifications 5.5.18 and 5.5.19.

Due Date/Event

Revision 3 of the USAPWR DCD

**39. By letter dated December 16, 2010 (ML110180494), Luminant provided response to RAIs 5116, 5117, 5225, and 5237. This letter provided commitment no. 8242.**

Number

Commitment

8242

Confirmation of revision levels and dates of references in FSAR Chapter 17 made in response to RAI 189, question 17.5-12.

Due Date/Event

First quarter of 2011

**40. By letter dated February 18, 2011, Luminant provided response to RAIs 196 and 197. This letter provided commitment no. 8254.**

Number

Commitment

8254

MHI will submit marked up DCD Table 17.4-1 sheets 28, 29, 43, and 44 as part of an RAI response by the end of February 2011.

Due Date/Event

February 2011

By letter dated February 28, 2011, Luminant informed the staff that it had completed 6831 and 8254.

**41. By letter dated March 14, 2011, Luminant provided a letter that re-scheduled regulatory commitments. Regulatory commitments 6481, 6491, 6631, and 6641 were combined into 8256.**

Number

Commitment

8256

Luminant commits to complete the site-specific SMA and update Final Safety Analysis Report Chapter 19 accordingly within four months of completion of the US-APWR SMA. The site specific SMA will include evaluation of the site specific structures using the guidance of ISG-20.

Due Date/Event

Within four months of completion of USAPWR SMA