



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 23, 2011

Mr. Rafael Flores
Senior Vice President and
Chief Nuclear Officer
Attention: Regulatory Affairs
Luminant Generation Company LLC
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 1 AND 2 – REQUEST FOR A CHANGE TO THE QUALITY ASSURANCE PROGRAM INVOLVING A REDUCTION IN COMMITMENT (TAC NOS. ME6226 AND ME6227)

Dear Mr. Flores:

By letter dated May 3, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11131A070), as supplemented by letter dated August 10, 2011 (ADAMS Accession No. ML11229A808), Luminant Generation Company LLC (the licensee) submitted a request for a change to the quality assurance (QA) program for Comanche Peak Nuclear Power Plant, Units 1 and 2 (CPNPP), pursuant to paragraph 50.54(a) of Title 10 of the *Code of Federal Regulations* (10 CFR). The change involves a reduction in a commitment to the QA program (CPNPP's Final Safety Analysis Report (FSAR), Chapter 17) previously accepted by the U.S. Nuclear Regulatory Commission (NRC). This change would revise FSAR Section 17.2.15, "Nonconforming Materials, Parts, or Components," and an associated commitment to allow conditional releases of nonconforming items from the warehouse for installation, testing, and operation, pending disposition of the nonconformance. Further, for nonconformance items installed with a conditional release, and affecting the CPNPP Technical Specifications (TSs), credit may be taken for TS operability of the item, provided that:

- 1) resolution of the nonconforming condition is tracked in the Corrective Action Program, and
- 2) an operability evaluation is performed that meets requirements of NRC Inspection Manual Part 9900: Technical Guidance, "Operability Determination and Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML073531346).

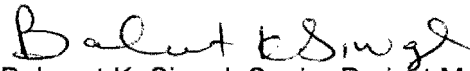
The NRC staff has reviewed the subject request and concludes that the proposed change to FSAR Section 17.2.15 is consistent with Criterion 15, "Nonconforming Materials, Parts, or Components," of Appendix B to 10 CFR Part 50 and is, therefore, acceptable.

R. Flores

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If you have any questions, please contact Balwant K. Singal at 301-415-3016 or by e-mail at Balwant.Singal@nrc.gov.

Sincerely,



Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-445

Enclosure:
As stated

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REQUEST FOR CHANGE TO THE QUALITY ASSURANCE PROGRAM INVOLVING A
REDUCTION IN COMMITMENT
LUMINANT GENERATION COMPANY LLC
COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 1 AND 2
DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By letter dated May 3, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11131A070), as supplemented by letter dated August 10, 2011 (ADAMS Accession No. ML11229A808), Luminant Generation Company LLC (the licensee) submitted a request for a change to the quality assurance (QA) program for Comanche Peak Nuclear Power Plant, Units 1 and 2 (CPNPP), pursuant to paragraph 50.54(a) of Title 10 of the *Code of Federal Regulations* (10 CFR). The change involves a reduction in a commitment to the QA program (CPNPP's Final Safety Analysis Report (FSAR), Chapter 17) previously accepted by the U.S. Nuclear Regulatory Commission (NRC). This change would revise FSAR Section 17.2.15, "Nonconforming Materials, Parts, or Components," and an associated commitment to allow conditional releases of nonconforming items from the warehouse for installation, testing, and operation, pending disposition of the nonconformance. Further, for nonconformance items installed with a conditional release, and affecting CPNPP's Technical Specifications (TSs), credit may be taken for TS operability of the item, provided that:

- 1) resolution of the nonconforming condition is tracked in the Corrective Action Program, and
- 2) an operability evaluation is performed that meets requirements of NRC Inspection Manual Part 9900: Technical Guidance, "Operability Determination and Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML073531346).

2.0 REGULATORY EVALUATION

The NRC staff considered the following regulatory requirements and guidance in its review of the application:

The regulations in 10 CFR Part 50 establish the fundamental regulatory requirements with respect to the domestic licensing of nuclear production and utilization facilities. Specifically, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing

Enclosure

Plants," to 10 CFR Part 50 establishes QA requirements for the design, manufacture, construction, and operation of structures, systems, and components (SSCs). The pertinent requirements of Appendix B to 10 CFR Part 50 apply to all safety-related functions of SSCs to include design, purchase, fabrication, handling, shipping, storing, cleaning, erection, installation, inspection, testing, operation, maintaining, repairing, refueling, and modification.

Criterion 15, "Nonconforming Materials, Parts, or Components," in Appendix B to 10 CFR Part 50 requires that measures be established to control materials, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation.

The regulations in 10 CFR 50.54(a)(4) state, in part, that

Changes to the quality assurance program description that do reduce the commitments must be submitted to the NRC and receive NRC approval prior to implementation...

3.0 TECHNICAL EVALUATION

3.1 Background

By letter dated May 3, 2011, the licensee submitted a proposed change to the CPNPP FSAR Section 17.2.15, "Nonconforming Materials, Parts, or Components." The proposed change would revise the current conditional release provision and allow for conditional release of a nonconforming item from the warehouse for installation, testing, and operation. The licensee proposes to complete an operability evaluation prior to taking TS credit for a newly installed item. The current QA program requires tracking resolution of the nonconforming condition in the licensee's corrective action program.

In its letter dated August 10, 2011, the licensee stated that it would perform an evaluation that meets the requirements of NRC Inspection Manual Part 9900 Technical Guidance for assessing a degraded or nonconforming component.

3.2 NRC Staff Evaluation

Revision to NRC Inspection Manual Part 9900: Technical Guidance, "Operability Determination & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML073531346), issued by Regulatory Information Summary (RIS) 2005-20, Revision 1, "Revision to NRC Inspection Manual Part 9900 Technical Guidance, 'Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety'," dated April 16, 2008 (ADAMS Accession No. ML073440103), states that an operability determination should include:

- 1) The SSCs which are affected by the degraded or nonconforming condition;
- 2) The extent of the condition for all similarly affected SSCs;
- 3) The current licensing basis requirements or commitments established for the affected SSCs;

- 4) The specified safety functions performed by the affected SSCs;
- 5) The effect or potential effect of the degraded or nonconforming condition on the affected SSCs' ability to perform specified safety functions; and
- 6) Whether there is reasonable expectation of operability, including the basis for the determination and any compensatory measures put in place to establish or restore operability.

The guidance in NRC Inspection Manual Part 9900, provides reasonable assurance that Criterion 15, "Nonconforming Materials, Parts, or Components," in Appendix B to 10 CFR Part 50, which requires that measures be established to control materials, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation, is met. Hence, the FSAR change proposed by the licensee is acceptable.

4.0 CONCLUSION

Based on the above evaluation, the NRC staff concludes that the licensee's proposed change to CPNPP's FSAR Section 17.2.15, "Nonconforming Materials, Parts, or Components," is consistent with Criterion 15 of Appendix B to 10 CFR Part 50, and is, therefore, acceptable.

Principal Contributor: Kerby Scales

Date: September 23, 2011

R. Flores

- 2 -

If you have any questions, please contact Balwant K. Singal at 301-415-3016 or by e-mail at Balwant.Singal@nrc.gov.

Sincerely,

/RA/

Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-445

Enclosure:
As stated

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ADAMS Accession No. ML112550147

***SE memo dated September 9, 2011**

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