



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 EAST LAMAR BLVD  
ARLINGTON, TEXAS 76011-4511

October 22, 2012

EA-12-218

Mr. Rafael Flores, Senior Vice President  
and Chief Nuclear Officer  
Luminant Generation Company, LLC  
Comanche Peak Nuclear Power Plant  
P.O. Box 1002  
Glen Rose, TX 76043

SUBJECT: CONFIRMATORY ACTION LETTER (4-12-004) – COMANCHE PEAK  
NUCLEAR POWER PLANT, UNITS 1 AND 2, COMMITMENTS REGARDING  
SPENT FUEL POOL STORAGE PRACTICES

Dear Mr. Flores:

During a telephone call on May 3, 2012, Luminant Generation Company, LLC, (Luminant Power), at the request of the U.S. Nuclear Regulatory Commission (NRC) staff, provided information on the current spent fuel pool storage practice with regard to uprated fuel and the basis for the acceptability of this practice regarding whether or not Comanche Peak Nuclear Power Plant, Units 1 and 2, met the current Technical Specification 3.7.17, "Spent Fuel Assembly Storage," requirements for uprated fuel.

Following the above discussions, the NRC determined that a focused baseline inspection of the licensee's implementation of spent fuel pool criticality analyses was necessary to obtain additional information regarding the current spent fuel pool storage practice. Two inspectors performed an onsite inspection during the week of May 21, 2012. The spent fuel pools are divided into two regions, Regions I and II. The inspectors determined that the storage of uprated spent fuel in Region II of the Units 1 and 2 spent fuel pools was an unanalyzed and unlicensed condition. This practice was implemented based on licensee administrative controls that required prior NRC approval, which had not been obtained. The NRC's preliminary inspection concluded that the configuration in place at the time was not an immediate safety concern.

On September 13, 2012, a meeting between Luminant Power and the NRC was held regarding a revised analysis to support a license amendment request for Spent Fuel Assembly Storage. Following the meeting, Luminant Power submitted a letter on October 9, 2012, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12292A193), which outlined procedural administrative controls which would remain in place until a license amendment could be approved by the NRC staff and implemented by the licensee to allow uprated fuel storage in Region II. The NRC staff performed a review of the administrative controls and determined that additional information and actions by the licensee were required.

On October 11 and 12, 2012, conference calls were held with Mr. Allen Howe and others from the NRC. During these calls, you discussed actions that Luminant Power, has taken, or will take by specific dates. Subsequently, in a letter from you to the NRC dated October 16, 2012, Luminant Power made commitments to place additional controls on the Comanche Peak Nuclear Power Plant, Units 1 and 2 spent fuel pools, until a license amendment is implemented, which revises Technical Specification 3.7.17 to control the storage of uprated fuel in the spent fuel pool, (Agency Documents Access and Management System Accession No. ML12293A225). In a phone conversation, on October 22, 2012, I confirmed with you the commitments as described in your letter. This Confirmatory Action Letter (CAL) confirms the commitments Luminant Power will implement at Comanche Peak Nuclear Power Plant, Units 1 and 2, and will maintain in place until a license amendment for storing uprated fuel in the spent fuel pool is implemented. The commitments and implementation dates are set forth in the enclosure to this letter.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

**/RA/**

Elmo E. Collins  
Regional Administrator

Docket Nos.: 05000445; 05000446

License Nos.: NPF-87, NPF-89

Enclosure: Luminant Power Commitments for Comanche Peak Nuclear Power Plant,  
Units 1 and 2

cc: Electronic Distribution

Electronic distribution by RIV:

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SUNSI Rev Compl.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reviewer Initials	WW
Publicly Avail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitive	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sens. Type Initials	WW
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WWalker	HGepford	TBlount	KKennedy	ELeeds	
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LUMINANT POWER COMMITMENTS FOR COMANCHE PEAK NUCLEAR POWER PLANT,  
UNITS 1 AND 2

NUMBER	COMMITMENTS	IMPLEMENTATION DATE
1	Any discharged fuel irradiated under up-rate power conditions from Unit 2 Cycle 13 and later and Unit 1 Cycle 16 and later, will be restricted to storage in the Region I storage racks until the NRC approves a license amendment revising Technical Specification 3.7.17, "Spent Fuel Storage," authorizing storage in Region II storage racks.	October 12, 2012
2	Luminant Power will retain the Region II spent fuel storage racks in both spent fuel pools 1 and 2 in the current as-loaded configuration as of October 11, 2012 for both fuel assemblies and fuel assembly inserts (excluding thimble plugging devices). If configuration changes are required, plans for the changes will be communicated to the NRC Region IV Regional Administrator in advance.	October 12, 2012
3	Luminant Power will prepare and submit a license amendment to revise Technical Specification 3.7.17, "Spent Fuel Assembly Storage" with the current spent fuel pool configurations with fuel discharged from reactor operation at up-rate conditions (3612 MWt). The schedule for submittal of this license amendment is January 15, 2013.	October 12, 2012
4	Luminant Power will maintain Spent Fuel Pool boron concentration at or above 2400 ppm, above that required for operability as allowed in Technical Specification 3.7.16, "Fuel Storage Pool Boron Concentration" (2000 ppm).	October 9, 2012

