

clarification does not alter any of the fission product barriers. The clarification does not change, degrade, or prevent the response of the RHR system to accident scenarios, as described in FSAR Chapter 15. In addition, the clarification to the RHR pump piping venting does not alter any assumption previously made in the radiological consequences evaluations nor affect the mitigation of the radiological consequences of an accident described in the FSAR. Therefore, the consequences of an accident previously evaluated in the FSAR will not be increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

*Response:* No.

The proposed changes to Technical Specification 4.5.3.b.2 and its associated bases do not introduce any new accident initiator mechanisms. The clarification of the RHR pump piping venting and the exclusion of the Charging/SI system venting requirements does not cause the initiation of any accident nor create any new credible limiting single failure. The exclusion of the Charging/SI system venting requirements does not result in any event previously deemed incredible being made credible. As such, it does not create the possibility of an accident different than any evaluated in the FSAR.

3. Does this change involve a significant reduction in margin of safety?

*Response:* No.

The exclusion of the Charging/SI system venting requirements does not result in a condition where the design, material, and construction standards that were acceptable prior to this change of the Charging/SI or RHR system venting requirements are altered. The proposed changes to Technical Specification 4.5.2.b.2 and its associated bases will have no effect on the availability, operability, or performance of the Charging/SI or RHR systems. Therefore, the clarification of the RHR pump piping venting and the exclusion of the Charging/SI system venting requirements will not reduce the margin of safety, as described in the bases to any technical specification.

Pursuant to 10 CFR 50.91, the preceding analyses provide a determination that the proposed Technical Specifications change poses no significant hazard as delineated by 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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*TXU Generation Company LP, Docket Nos. 50-445 and 50-446, Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, Somervell County, Texas*

*Date of amendment request:* July 25, 2002 as supplemented by letter dated February 5, 2003.

*Brief description of amendments:* The proposed amendments would change the CPSES Facility Operating Licenses as follows: Section 2.C.(4)(b) would be changed to be consistent with the license conditions stated in the U.S. Nuclear Regulatory Commission (NRC) Order and Safety Evaluation issued December 21, 2001, which approved the direct transfer of ownership interest and operating authority for CPSES to TXU Generation Company LP; Section 2.E, which requires reporting any violations of the requirements contained in Section 2.C of the licenses, would be deleted. Additionally, Technical Specification Table 5.5-2 "Steam Generator Tube Inspection," Table 5.5-3, "Steam Generator Repaired Tube Inspection for Unit 1 Only," and Section 5.6.10, "Steam Generator Tube Inspection Report," would be revised to delete the requirement to notify the NRC pursuant to Section 50.72(b)(2), "Immediate notification requirements for operating nuclear power reactors," of Title 10 of the Code of Federal Regulations (10 CFR) if the steam generator tube inspection results are in a C-3 classification. The basis for the proposed no significant hazards consideration determination associated with the application was published in the **Federal Register** on September 3, 2002 (67 FR 56329).

By letter dated February 5, 2003, TXU Generation Company, LP requested that the proposed change to license conditions in Section 2.C.(4)(b) be superseded by the proposed deletion of the license conditions, related to Decommissioning Trusts, specified in Sections 2.C.(4)(a), 2.C.(4)(b), 2.C.(4)(d), 2.C.(4)(e), and 2.C.(6).

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), "Notice for public comment; State consultation," the licensee has provided its analysis of the issue of no significant hazards consideration, as they relate to the February 5, 2003 supplement, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

*Response:* No.

The requested changes delete certain license conditions pertaining to Decommissioning Trust Agreements currently in Sections 2.C.(4)(a), 2.C.(4)(b),

2.C.(4)(d), 2.C.(4)(e), and 2.C.(6) of the CPSES Facility Operating Licenses (NPF-87 and NPF-89). The requested changes are consistent with the NRC's Final Rule for Decommissioning Trust Provisions as published in the **Federal Register** on December 24, 2002 (67 FR 78332).

The revised regulations of 10 CFR 50.75(h)(4)[, "Reporting and recordkeeping for decommissioning planning,"] state "Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility that does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements involves 'no significant hazard[s] consideration'."

This request involves administrative changes only. No actual plant equipment or accident analyses will be affected by the proposed changes. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

*Response:* No.

This request involves administrative changes only to be consistent with the NRC's Final Rule for Decommissioning Trust Provisions as published in the **Federal Register** (67 FR 78332).

No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created. Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

*Response:* No.

This request involves administrative changes only to be consistent with the NRC's Final Rule for Decommissioning Trust Provisions as published in the **Federal Register** (67 FR 78332).

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.*, fuel and fuel cladding, Reactor Coolant System pressure boundary, and containment structure) to limit the level of radiation dose to the public.

No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed changes will not relax any criteria used to establish safety limits, will not relax any safety systems settings, or will not relax the bases for any limiting conditions of operation. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c), "Issuance of amendment," are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.