

SAFEGUARDS INFORMATION

December 8, 2016

EA-16-143

Mr. Ken Peters, Senior Vice President
and Chief Nuclear Officer
Comanche Peak Nuclear Power Plant
TEX Operations Company LLC
Mail Code E01
6322 North FM 56
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 1 AND 2 – NRC
SECURITY INSPECTION REPORT 05000445/2016201 AND
05000446/2016201 PRELIMINARY GREATER THAN GREEN FINDING

Dear Mr. Peters,

On November 8, 2016, the U.S. Nuclear Regulatory Commission (NRC) completed a security inspection at your Comanche Peak Nuclear Power Plant, Units 1 and 2. On November 8, 2016, the NRC inspectors discussed the results of this inspection with you and other members of your staff. The results of this inspection are documented in the enclosed report.

Section 3.2.b of the enclosed report documents a finding with an associated apparent violation that the NRC has preliminarily determined to have greater than very low security significance. We assessed the significance of each finding using the Physical Protection Significance Determination Process (SDP) and readily available information. The deficiencies associated with the finding were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspectors left the area.

We are considering escalated enforcement for the apparent violation consistent with our Enforcement Policy, which can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Because the NRC has not made a final determination in this matter, no Notice of Violation is being issued at this time. In addition, please be advised that the number and characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review.

<p>The enclosure transmitted herewith contains Safeguards Information. When separated from the enclosure, this transmittal document is decontrolled.</p>
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We intend to issue our final significance determination and enforcement decision, in writing, within 90 days from the date of this letter. The NRC's significance determination process (SDP) is designed to encourage an open dialogue between your staff and the NRC; however, neither the dialogue nor the written information you provide should affect the timeliness of our final determination.

Before we make a final decision on this matter, we are providing you with an opportunity to (1) attend a regulatory conference where you can present to the NRC your perspective on the facts and assumptions the NRC used to arrive at the finding and assess its significance, or (2) submit your position on the finding to the NRC in writing.

If you request a regulatory conference, it should be held within 40 days of your receipt of this letter and we encourage you to submit supporting documentation at least 10 days prior to the conference in an effort to make the conference more efficient and effective. The focus of the regulatory conference is to discuss the significance of the finding and not necessarily the root cause(s) or corrective action(s) associated with the finding. If you choose to attend a regulatory conference, it will be closed to public observation since Security-Related Information will be discussed. If you decide to submit only a written response, it should be sent to the NRC within 40 days of your receipt of this letter. If you decline to request a regulatory conference or to submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either, you fail to meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of the NRC Inspection Manual Chapter 0609.

If you choose to send a response, it should be clearly marked as a "Response to an Apparent Violation; (EA-16-143)" and should include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response.

Additionally, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region IV, 1600 E. Lamar Blvd, Arlington, Texas 76011; the Director, Office of Enforcement, Washington, DC 20555-0001; the Director, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001; and the NRC resident inspector at the Comanche Peak Nuclear Power Plant, Units 1 and 2. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a Regulatory Conference.

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Please contact Mr. Robert C. Johnson, Chief, Security Performance Evaluations Branch at 301-287-3688, and in writing, within 7 days from the issue date of this letter to notify the NRC of your intentions. If we have not heard from you within 7 days, we will continue with our significance determination and enforcement decision.

The NRC inspectors also documented one finding of very low security significance (Green) in the enclosed report. This finding involved a violation of NRC requirements. The NRC is treating this violation as a non-cited violation (NCV) consistent with Section 2.3.2.a of the Enforcement Policy.

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region IV, 1600 E. Lamar Blvd, Arlington, Texas 76011; the Director, Office of Enforcement, Washington, DC 20555-0001; the Director, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001; and the NRC resident inspector at the Comanche Peak Nuclear Power Plant, Units 1 and 2.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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However, the enclosed report contains Safeguards Information as defined by 10 CFR 73.21, "Protection of Safeguards Information: Performance Requirements," and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material in the enclosed report will not be made publically available. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii) the NRC is waiving the affidavit requirements of your response.

Sincerely,

/RA D. Pretzello Acting for/

Michael C. Layton, Director
Division of Security Operations
Office of Nuclear Security and Incident Response

Dockets: 50-445, 50-446
Licenses: NPF-87, NPF-89

Nonpublic Enclosure:
Inspection Report 05000445/2016201 and
05000446/2016201
w/Attachment: Supplemental Information

cc w/enclosure: M. McNally, TEX Operations Company LLC

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Inspection Report 05000445/2016201 and
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cc w/enclosure: M. McNally, TEX Operations Company LLC

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NAME	T. Barry	J. Berry	J. Clark	M. Haire	R. Johnson	D. Pretzello for/M. Layton
DATE	11/1/2016	11/3/2016	11/15/2016	11/28/2016	12/08/16	12/08/2016

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