

PUBLIC NOTICE

THE U.S. NUCLEAR REGULATORY COMMISSION PROPOSES TO AMEND THE FACILITY OPERATING LICENSE FOR THE COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has received an application dated April 10, 2020 (available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20101M879), from Vistra Operations Company LLC (Vistra OpCo, the licensee) for an exigent amendment to the facility operating license for the Comanche Peak Nuclear Power Plant (Comanche Peak), Unit Nos. 1 and 2, located in Somervell County, Texas. The licensee requests NRC approval by April 19, 2020.

The proposed exigent amendment would allow a one-time change in Comanche Peak Unit 2 inspection frequency. Specifically, the proposed change would allow the licensee to defer the 100 percent inspection scope currently required for the third sequential inspection period from refueling outage (RF) 2RF18 (April 2020) to 2RF19 (October 2021).

The licensee requested that the proposed amendment be processed on an exigent basis in accordance with the provisions in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.91(a)(6). Under 10 CFR 50.91(a)(6)(i), where the Commission finds that exigent circumstances exist, in that a licensee and the Commission must act quickly and that time does not permit the Commission to publish a *Federal Register* notice allowing 30 days for prior public comment, and it also determines that the amendment involves no significant hazards considerations, the Commission will either (A) issue a *Federal Register* notice providing notice of an opportunity for hearing and allowing at least 2 weeks from the date of the notice for prior public comment or (B) use local media to provide reasonable notice to the public in the area surrounding a licensee's facility of the licensee's amendment and of its proposed determination that no significant hazards consideration is involved, consulting with the licensee on the

proposed media release and on the geographical area of its coverage. Due to the timing of the proposed amendment, the NRC is providing this notice in local media pursuant to 10 CFR 50.91(a)(6)(i)(B), and has consulted with the licensee and the NRC regional office on the proposed media release.

The licensee provided the following information to explain the exigency of the proposed amendment. The licensee stated that it is necessary due to unforeseen circumstances related to the ongoing COVID-19 virus pandemic, which has resulted in a need to defer Comanche Peak Unit 2 steam generator inspections from the current spring 2020 refueling outage to the next refueling outage in fall 2021. The licensee requested processing of the amendment under exigent circumstances to avoid potential unnecessary personnel exposure to the COVID-19 virus which could also expose the general public.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration using the standards in 10 CFR 50.92. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee and the NRC have evaluated the proposed change with regard to the determination of whether or not a significant hazards consideration is involved as described below.

Operation of Comanche Peak Unit 2 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change calls for a one-time change in inspection frequencies for steam generator tube inspections and associated reporting requirements. Inspection frequencies are not an initiator to a steam generator tube rupture accident, or any other accident

previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The steam generator tubes inspected by the Steam Generator Program continue to be required to meet the Steam Generator Program performance criteria and to be capable of performing any functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased. Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated. The proposed change calls for a one-time change in inspection frequencies for steam generator tube inspections and associated reporting requirements. The proposed change does not alter the design function or operation of the steam generators or the ability of a steam generator to perform the design function. The steam generator tubes continue to be required to meet the Steam Generator Program performance criteria. The proposed change does not create the possibility of a new or different kind of accident due to credible new failure mechanisms, malfunctions, or accident initiators that are not considered in the design and licensing bases. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed amendment will not involve a significant reduction in a margin of safety. The proposed change calls for a one-time change in inspection frequencies for steam generator tube inspections and associated reporting requirements. The proposed change does not change any of the controlling values of parameters used to avoid exceeding regulatory or licensing limits. The proposed change does not affect a design basis or safety limit, or any controlling value for a parameter established in the Final Safety Analysis Report or the license. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Following an initial review of this application, the requested amendment has been evaluated against the standards in 10 CFR 50.92 and the NRC has made a proposed determination that the requested amendment involves no significant hazards considerations. The proposed change would not significantly increase the probability or consequences of any accident previously considered, nor create the possibility of a new or different kind of accident, nor significantly reduce any margin of safety.

The NRC is seeking public comments on this proposed determination that the amendment involves no significant hazards considerations. The NRC will consider comments received through April 16, 2020. If the proposed determination that the requested amendment involves no significant hazards consideration becomes final, the NRC will issue the amendment without first offering an opportunity for a public hearing. An opportunity for a hearing will be published in the *Federal Register* at a later date and any hearing request will not delay the effective date of the amendment.

The NRC may issue the amendment prior to the expiration of the comment period, should circumstances change such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the NRC take action prior to the expiration of the comment period, it will publish in the *Federal Register* a notice of issuance. Before any issuance of the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC regulations.

If the NRC decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the *Federal Register* and, if a hearing is granted, it will be held before the amendment is issued.

Comments on the proposed determination of no significant hazards consideration may be (1) telephoned to Jennifer Dixon-Herrity, Chief, Plant Licensing Branch 4, by collect call to 301-415-2967, (2) e-mailed to Jennifer.Dixon-Herrity@nrc.gov, or (3) submitted in writing to

Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff. All comments received by close of business, 4:15 pm EDT, on April 16, 2020, will be considered in reaching a final determination.

A copy of the application may be examined electronically through the NRC's ADAMS in the NRC Library at <https://www.nrc.gov/reading-rm/adams.html> under [Accession No. ML20101M879](#). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room Reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to pdr.resource@nrc.gov.