

May 11, 2001

Mr. C. Lance Terry
Senior Vice President &
Principal Nuclear Officer
TXU Electric Company
Attn: Regulatory Affairs Department
P. O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES), UNITS 1 AND 2 -
PROPOSED INCREASE IN ALLOWABLE THERMAL POWER TO 3458 MWT
AND DELETION OF TEXAS MUNICIPAL POWER AGENCY FROM THE
OPERATING LICENSES (TAC NOS. MB1625 AND MB1626)

Dear Mr. Terry:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing" with the Office of the Federal Register for publication. The notice relates to your amendment request dated April 5, 2001, regarding changes to the CPSES, Units 1 and 2, Operating License and the CPSES, Units 1 and 2, Technical Specifications. These changes, which would reflect a proposed increase in the licensed power for operation of both CPSES, Units 1 and 2, to 3458 MWT, represent an increase of approximately 1.4% of the currently licensed power level for CPSES, Unit 1, and an increase of approximately 0.4% for CPSES, Unit 2. In addition, TXU Electric (TXU) requests that Texas Municipal Power Agency (TMPA) be removed from both CPSES, Units 1 and 2, licenses since transfer of ownership from TMPA to TXU was completed.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosure: As stated

cc w/encl: See next page

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ACCESSION NO.: ML011420549

*NLO with comments

OFFICE	PDIV-1/PM	PDIV-1/LA	OGC*	PDIV-1/SC
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DATE	4/24/01	4/23/01	May 2, 2001	5/11/01

OFFICIAL RECORD COPY

Comanche Peak Steam Electric Station

cc:

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Regulatory Affairs Manager
TXU Electric
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Glen Rose, TX 76043

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Morgan, Lewis & Bockius
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Honorable Dale McPherson
County Judge
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Glen Rose, TX 76043

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Environmental and Natural
Resources Policy
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UNITED STATES NUCLEAR REGULATORY COMMISSION

TXU ELECTRIC

DOCKET NOS. 50-445 AND 50-446

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-87 and NPF-89, issued to TXU Electric (TXU or the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, respectively. The facilities are located in Somervell and Hood Counties, Texas.

The proposed amendment would incorporate changes into the CPSES, Units 1 and 2, Operating Licenses and Technical Specifications. These changes, which would reflect a proposed increase in the licensed power for operation of both CPSES, Units 1 and 2, to 3458 MWt, represent an increase of approximately 1.4 percent of the currently licensed power level for CPSES, Unit 1, and an increase of approximately 0.4 percent for CPSES, Unit 2. In addition, the licensee requests that Texas Municipal Power Agency (TMPA) be removed from both CPSES, Units 1 and 2, licenses since transfer of ownership from TMPA to TXU was completed.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 28, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating licenses, and any person whose interest may

be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically through the NRC Web site (<http://www.nrc.gov/NRC/CFR/index.html>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board (Board), designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the designated Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, and to George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 10 CFR 50.92.

For further details with respect to this action, see the application for amendment dated April 5, 2001, which is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If there are problems accessing the document located in ADAMS, contact the PDR Reference staff at 1-800-397-4209, 301-415-4737, or send an email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 11th day of May 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation