

June 25, 1990

Docket No. 50-445

License NPF-87

Mr. William J. Cahill, Jr.  
Executive Vice President, Nuclear  
Texas Utilities Electric Company  
400 North Olive Street, L.B. 81  
Dallas, Texas 75201

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Dear Mr. Cahill:

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 1 - NOTICE OF  
CONSIDERATION OF ISSUANCE OF AMENDMENT (TAC NO. M77000)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated June 22, 1990, which would revise Technical Specifications 3.2.1, 4.2.1, and 4.2.2 to allow Base Load Operation as an alternative to the normal operating mode in order to maintain the radial peaking factor within the range assumed by the plant's safety analyses. Technical Specification 6.9.1.6 and the Bases to Section 3/4.2.1 would also be revised to reflect the new Base Load mode of operation.

Sincerely,

Original Signed By  
Christopher I. Grimes for

James H. Wilson, Project Manager  
Project Directorate IV-2  
Division of Reactor Projects - III, IV,  
V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
Notice

cc w/enclosure:  
See next page

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UNITED STATES NUCLEAR REGULATORY COMMISSIONTEXAS UTILITIES ELECTRIC COMPANYDOCKET NO. 50-445

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-87, issued to Texas Utilities Electric Company (the licensee) for operation of the Comanche Peak Steam Electric Station, Unit 1 located in Somervell County, Texas.

The proposed amendment would change Technical Specifications 3.2.1, 4.2.1, and 4.2.2 to allow Base Load Operation as an alternative to the normal operating mode in order to maintain the radial peaking factor within the range assumed by the plant's safety analyses. Technical Specification 6.9.1.6 and the Bases to Section 3/4.2.1 have also been revised to reflect the new Base Load mode of operation.

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.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission'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 provided the following evaluation of the proposed change with regard to these three standards.

1. The proposed changes do not alter any of the assumptions used in the accident analyses for CPSES Unit 1 since Technical Specification core peaking factors limits (particularly  $F_Q$ ), DNB, and LOCA parameters utilized in the accident analyses remain unchanged.  $F_{xy}$  limits in the Radial Peaking Factor Limit Report provide a method for the determination that  $F_Q$  remains within its limits. However, the  $F_Q$  value assumed in the accident analyses is not changed.

Therefore, the "Base Load Operation" associated Technical Specification changes do not increase the probability or consequences of an accident previously analyzed.

2. The proposed "Base Load Operation" Technical Specification changes do not involve any plant operations outside the range of those previously allowed or analyzed; specifically, reactor operations such as operating within specified power ranges and/or holding power level for a 24-hour period for xenon stabilization.

Therefore, the proposed Technical Specification changes do not create a new or different kind of accident from those previously analyzed.

3. The "Base Load Operation" provisions in the proposed Technical Specification changes do not alter the Technical Specification limit for  $F_Q$ . The "Base Load Operation"  $F_{xy}$  limits as a function of core height and cycle burnup provides a more exact evaluation to determine that  $F_Q$  is within its limits. Since the plant operating ranges, core peaking factors, and DNB and LOCA input assumptions of the safety analysis have not changed, the current CPSES Unit 1 Safety Analysis remains valid.

Therefore, there is no significant reduction in the margin of safety.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555,

and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 30, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 petition for leave to intervene. Request 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, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019. 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, 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 Atomic Safety and Licensing 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 should 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 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 which may be entered in the proceeding on the petitioner's interest. The petition should 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 fifteen (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 fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. 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 the contention and a concise statement of the alleged facts or expert opinion which 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. 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 which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State

comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Christopher I. Grimes: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, N.W., Suite 1000, Washington, D.C. 20036, attorney for the licensee.

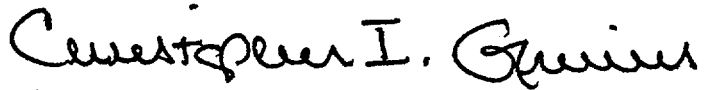
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted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



For further details with respect to this action, see the application for amendment dated June 22, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 25th day of June 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Christopher I. Grimes".

Christopher I. Grimes, Director  
Project Directorate IV-2  
Division of Reactor Projects - III, IV,  
V and Special Projects  
Office of Nuclear Reactor Regulation