



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

February 8, 1990

Docket No. 50-445

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

Dear Mr Cahill:

SUBJECT: ISSUANCE OF FACILITY OPERATING LICENSE NO. NPF-28 FOR COMANCHE  
PEAK STEAM ELECTRIC STATION, UNIT 1

The U. S. Nuclear Regulatory Commission (NRC) has issued the enclosed Facility Operating License No. NPF-28, together with the Technical Specifications, the Environmental Protection Plan, and the Antitrust Conditions for the Comanche Peak Steam Electric Station, Unit 1 (Enclosure 1). Authorization to operate beyond 5-percent power is still under consideration by the NRC. The issuance of this license authorizing operation at up to 5 percent of full power is without prejudice to future consideration by the Commission with respect to operation at power levels in excess of 5 percent. The Technical Specifications being issued with this license are applicable only to Unit 1.

The technical basis for the license is included in the Safety Evaluation Report related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2 (NUREG-0797) and Supplements 1 through 23. Supplement No. 23 (SSER 23) is provided as Enclosure 2 to this letter. All previously open issues have been reviewed by the staff and have been satisfactorily resolved.

Enclosure 3 is a copy of a related Federal Register notice, the original of which has been forwarded to the Office of the Federal Register for publication.

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February 8, 1990

Mr. W. J. Cahill, Jr.

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Three copies of Amendment No. 7 to Indemnity Agreement No. B-96 are included as Enclosure 4. Please countersign all copies and return one signed copy of Amendment No. 7 to this office.

Sincerely,

(original signed by)

Christopher I. Grimes, Director  
Comanche Peak Project Division  
Office of Nuclear Reactor Regulation

**Enclosures:**

1. Facility Operating License No. NPF-28
2. SSER 23
3. Federal Register Notice
4. Amendment No. 7 to Indemnity Agreement No. B-96  
(Duplicate Copies)

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Mr. W. J. Cahill, Jr.

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Mr. W. J. Cahill, Jr.

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Mr. W. J. Cahill, Jr.

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

TEXAS UTILITIES ELECTRIC COMPANY, ET AL.\*

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

FACILITY OPERATING LICENSE

License No. NPF-28

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for a license filed by Texas Utilities Electric Company (TU Electric) acting for itself and as agent for Texas Municipal Power Agency, (licensees), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. Construction of the Comanche Peak Steam Electric Station, Unit No. 1 (the facility), has been substantially completed in conformity with Construction Permit No. CPPR-126 and the application, as amended, the provisions of the Act, and the regulations of the Commission;
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D below);
  - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I, except as exempted from compliance in Section 2.D below;

\* The current owners of the Comanche Peak Steam Electric Station are: Texas Utilities Electric Company, and Texas Municipal Power Agency. Transfer of ownership from Texas Municipal Power Agency to Texas Utilities Electric Company was previously authorized by Amendment No. 9 to Construction Permit CPPR-126 on August 25, 1988 to take place in 10 installments as set forth in the Agreement attached to the application for Amendment dated March 4, 1988. At the completion thereof, Texas Municipal Power Agency will no longer retain any ownership interest.

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- E. TU Electric is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
  - F. The licensees have satisfied the applicable provisions of 10 CFR 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. NPF-28 subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, except that an exemption to the provisions of 70.24 is granted as described in paragraph 2.D below.
2. Based on the foregoing findings regarding this facility, Facility Operating License No. NPF-28 is hereby issued to the licensees, to read as follows:
- A. This license applies to the Comanche Peak Steam Electric Station, Unit No. 1, a pressurized water nuclear reactor and associated equipment (the facility), owned by the licensees. The facility is located on Squaw Creek Reservoir in Somervell County, Texas about 5 miles north-northwest of Glen Rose, Texas, and about 40 miles southwest of Fort Worth in north-central Texas and is described in the licensees' Final Safety Analysis Report, as supplemented and amended, and the licensees' Environmental Report, as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
    - (1) Pursuant to Section 103 of the Act and 10 CFR Part 50 "Domestic Licensing and Production and Utilization Facilities", TU Electric to possess, use, and operate the facility at the designated location in Somervell County, Texas in accordance with the procedures and limitations set forth in this license;
    - (2) Pursuant to Section 103 of the Act and 10 CFR Part 50, "Domestic Licensing and Production and Utilization Facilities", Texas Municipal Power Agency to possess the facility at the designated location in Somervell County, Texas in accordance with the procedures and limitations set forth in this license;

- (3) TU Electric, pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, and described in the Final Safety Analysis Report, as supplemented and amended;
  - (4) TU Electric, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
  - (5) TU Electric, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
  - (6) TU Electric, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level

TU Electric is authorized to operate the facility at reactor core power levels not in excess of 170 megawatts thermal (5% of rated power) in accordance with the conditions specified herein.
  - (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. TU Electric shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
  - (3) Antitrust Conditions

Applicants as defined in Appendix C shall comply with the antitrust conditions delineated in Appendix C to this license; Appendix C is hereby incorporated into this license.



D. The following exemptions are authorized by law and will not endanger life or property or the common defense and security. Certain special circumstances are present and these exemptions are otherwise in the public interest. Therefore, these exemptions are hereby granted pursuant to 10 CFR 50.12.

- (1) The facility requires a technical exemption from the requirements of 10 CFR 50, Appendix J, Section III.D.2(b)(ii). The justification for this exemption is contained in Section 6.2.6 of Supplement 22 to the Safety Evaluation Report dated January 1990. The staff's environmental assessment was published on November 14, 1989 (54 FR 47430). Therefore, pursuant to 10 CFR 50.12(a)(1), 10 CFR 50.12(a)(2)(ii) and (iii), the Comanche Peak Steam Electric Station, Unit 1 is hereby granted an exemption from the cited requirement and instead, is required to perform the overall air lock leak test at pressure P prior to establishing containment integrity if air lock maintenance<sup>a</sup> has been performed that could affect the air lock sealing capability.
- (2) The facility was previously granted exemption from the criticality monitoring requirements of 10 CFR 70.24 (See Materials License No. SNM-1912 dated December 1, 1988 and Section 9.1 of SSER 22 dated January 1990.) The staff's environmental assessment was published on November 14, 1989 (54 FR 47432). The Comanche Peak Steam Electric Station, Unit 1 is hereby exempted from the criticality monitoring provisions of 10 CFR 70.24 as applied to fuel assemblies held under this license.
- (3) The facility requires a temporary exemption from the scheduler requirements of 10 CFR 50.33(k) and 10 CFR 50.75. The justification for this exemption is contained in Section 20.6 of Supplement 22 to the Safety Evaluation Report dated January 1990. The staff's environmental assessment was published on November 14, 1989 (54 FR 47431). Therefore, pursuant to 10 CFR 50.12(a)(1), 50.12(a)(2)(iii) and 50.12(a)(2)(v), the Comanche Peak Steam Electric Station, Unit 1 is hereby granted a temporary exemption from the scheduler requirements of 10 CFR 50.33(k) and 10 CFR 50.75 and is required to submit a decommissioning funding report for Comanche Peak Steam Electric Station, Unit 1 on or before July 26, 1990.

E. With the exception of 2.C(2) and 2.C(3), TU Electric shall report any violations of the requirements contained in Section 2.C of this license within 24 hours. Initial notification shall be made in accordance with the provisions of 10 CFR 50.72 with written follow-up in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

F. In order to ensure that the TU Electric will exercise the authority as the surface landowner in a timely manner and that the requirements of 10 CFR Part 100.3 (a) are satisfied, this license is subject to the additional conditions specified below: (Section 2.1.1, SER)

- (1) For that portion of the exclusion area which is within 2250 ft of any seismic Category I building or within 2800 ft of either reactor containment building, TU Electric must prohibit the exploration and/or exercise of subsurface mineral rights, and if the subsurface mineral rights owners attempt to exercise their rights within this area, TU Electric must immediately institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
- (2) For the unowned subsurface mineral rights within the exclusion area not covered in item (1), TU Electric will prohibit the exploration and/or exercise of mineral rights until and unless the licensee and the owners of the mineral rights enter into an agreement which gives TU Electric absolute authority to determine all activities--including times of arrival and locations of personnel and the authority to remove personnel and equipment --in event of emergency. If the mineral rights owners attempt to exercise their rights within this area without first entering into such an agreement, TU Electric must institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
- (3) TU Electric shall promptly notify the NRC of any attempts by subsurface mineral rights owners to exercise mineral rights, including any legal proceeding initiated by mineral rights owners against TU Electric.

G. TU Electric shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report through Amendment 78 and as approved in the SER (NUREG-0797) and its supplements through SSER 23, subject to the following provision:

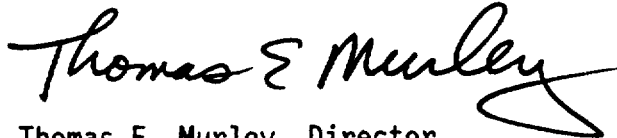
TU Electric may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

H. TU Electric shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification, and safeguards contingency plans, previously approved by the Commission, and all amendments made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain safeguards information protected under 10 CFR 73.21, are entitled: "Comanche Peak Steam Electric Station Physical Security Plan" with revisions submitted through November 28, 1988; "Comanche

Peak Steam Electric Station Security Training and Qualification Plan" with revisions submitted through November 28, 1988; and "Comanche Peak Steam Electric Station Safeguards Contingency Plan" with revisions submitted through January 9, 1989.

- I. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- J. Amendment No. 9 to Construction Permit CPPR-127, issued August 25, 1988, authorized the transfer of 6.2% ownership interest in the facility from Texas Municipal Power Agency to TU Electric, such transfer to take place in 10 installments as set forth in the Agreement attached to the application for amendment dated March 4, 1988. At the completion of such transfer of interest, Texas Municipal Power Agency shall no longer be a licensee under this license and all references to "licensees" shall exclude Texas Municipal Power Agency.
- K. This license is effective as of the date of issuance and shall expire at Midnight on February 8 , 2030.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Attachments/Appendices:

1. Appendix A - Technical Specifications (NUREG-1381)
2. Appendix B - Environmental Protection Plan
3. Appendix C - Antitrust Conditions

Date of Issuance: February 8, 1990

APPENDIX B

TO FACILITY OPERATING LICENSE NO. NPF-28

TEXAS UTILITIES GENERATING COMPANY  
COMANCHE PEAK STEAM ELECTRIC STATION UNITS 1 & 2  
DOCKET NOS. 50-445 AND 50-446

FEBRUARY 8, 1990

ENVIRONMENTAL PROTECTION PLAN  
(NONRADIOLOGICAL)

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COMANCHE PEAK STEAM ELECTRIC STATION

UNITS 1 AND 2

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

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## 1.0 Objectives of the Environmental Protection Plan

The purpose of the Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement - Operating License Stage (FES-OL) and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State, and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's NPDES permit.

## 2.0 Environmental Protection Issues

In the FES-OL, dated September 1981, the staff considered the environmental impacts associated with the operation of the two-unit Comanche Peak Steam Electric Station (CPSES). Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment.

### 2.1 Aquatic Issues

The aquatic issues identified by the State in the FES-OL were as follows:

- (1) Effects of the intake structure on aquatic biota during operation (FES-OL Section 5.5.2.3).
- (2) Effects of the circulating water chlorination system on aquatic biota during operation (FES-OL Sections 4.2.4.1, 5.3.4.1, and 5.11.3.1).

The second issue above, "Effects of the circulating water chlorination system on aquatic biota during operation (FES-OL Sections 4.2.4.1, 5.3.4.1, and 5.11.3.1)," no longer applies because the service water and circulating water chlorination system is no longer used at CPSES and the EPA NPDES permit no longer requires that such a study be performed.

Aquatic matters are addressed by the effluent limitations, monitoring requirements, and the Section 316(b) demonstration requirement contained in the effective NPDES permit issued by the U. S. Environmental Protection Agency (Region VI). The NRC will rely on this agency for regulation of matters involving water quality and aquatic biota.

## 2.2 Terrestrial Issues

The terrestrial issue identified by the staff in the FES-OL was as follows:

- (1) Potential impacts resulting from the use of groundwater by the station during operation (FES-OL Section 5.3.1.2).

NRC requirements with regard to the terrestrial issue are specified in Subsection 4.2 of this EPP.



### 3.0 Consistency Requirements

#### 3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such activities do not involve an unreviewed environmental question and do not involve a change in the EPP\*. Changes in station design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Subsection 3.3 are not subject to the requirements of this Section.

Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable nonradiological environmental effects are confined to the onsite areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and obtain prior NRC approval. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Subsection 5.3 of this EPP.

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\* This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

A proposed change, test, or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, in environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level [in accordance with 10 CFR Part 51.5(b)(2)]; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests, and experiments.

### 3.2 Reporting Related to the NPDES Permit and State Certification

Changes to, or renewals of, the NPDES permit or the State certification shall be reported to the NRC within 30 days following the date the change or renewal is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The licensee shall notify the NRC of changes to the effective NPDES permit that are proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC with a copy of the application for renewal of the NPDES permit at the same time the application is submitted to the permitting agency.

### 3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Subsection 3.1.

#### 4.0 Environmental Conditions

##### 4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours, followed by a written report per Subsection 5.4.2. The following are examples of such events: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

##### 4.2 Environmental Monitoring

###### 4.2.1 Groundwater Levels and Station Water Use Monitoring

Groundwater levels in the onsite observation wells identified as OB-3 and OB-4 in the FES-OL (Figure 4-3) shall be monitored and recorded monthly when the groundwater pumpage rate by CPSES is less than or equal to 30 gallons per minute (gpm) and weekly when the CPSES average monthly rate exceeds 30 gpm for the previous month. Water levels shall be read and recorded on approximately the same day of the month when monitoring monthly and on the same day of the week when monitoring weekly (an aid in interpreting the results by minimizing the influence of cyclic water use patterns of the aquifer by others on the observed water levels).

A monthly record of the total number of gallons pumped from each of the onsite production wells shall be maintained, including an average monthly pumpage rate in gpm.

A monthly record showing the rate and total amount of surface water processed by the onsite water treatment facility shall be maintained by the licensee on a monthly basis. This record shall include the process rate in gallons per minute and the total amount in gallons.

The licensee shall include the results of this monitoring program as part of the Annual Operating Report (see Subsection 5.4.1).

#### 4.2.2 Water Treatment Facility Outages Impact Assessment and Reporting

The following outages of the onsite water treatment facility shall be reported to the NRC:

- (1) Routine or unplanned outages that exceed 30 consecutive days.
- (2) Any outage of at least 24 hours duration, beginning with the third such outage in a calendar year, if these outages are accompanied by an increase in the monthly average groundwater pumpage to a rate exceeding 30 gpm. When it is determined that either routine or unplanned outages will exceed 30 consecutive days and when the groundwater pumpage rate will be greater than 30 gpm when averaged over the outage period, the licensee will prepare and submit a report to the NRC within 15 days

after a determination of the extended outage is made. This report shall include (1) a discussion of the reason for the extended outage, (2) the expected duration of the outage, (3) an estimate of the date or the time required to return the onsite water treatment facility to operation, (4) a determination of the potential for lowering the groundwater levels in offsite wells, (5) an assessment of the impact of the projected groundwater level decline, and (6) a proposed course of action to mitigate any adverse effects.

## 5.0 Administrative Procedures

### 5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and the results of audit activities shall be maintained and made available for inspection.

### 5.2 Records Retention

Records and logs relative to the environmental aspects of station operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to station structures, systems, and components determined to potentially affect the continued protection of the environment shall be retained for the life of the station. All other records, data and logs relating to this EPP shall be retained for 5 years or, where applicable, in accordance with the requirements of other agencies.

### 5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation

of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

#### 5.4 Plant Reporting Requirements

##### 5.4.1 Routine Reports

An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license. The period of the first report shall begin with the date of issuance of the operating license.

The report shall include summaries and analyses of the results of the environmental protection activities required by Subsection 4.2 of this EPP for the report period, including a comparison with related preoperational studies, operational controls (as appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of plant operation on the environment. If harmful effects or evidence of trends toward irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of mitigating action.



The Annual Environmental Operating Report shall also include:

- (1) A list of EPP noncompliances and the corrective actions taken to remedy them.
- (2) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental question.
- (3) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.
- (4) A summary list of NPDES permit-related reports relative to matters identified in Subsection 2.1 which were sent to the U. S. Environmental Protection Agency Region VI during the report period.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing results shall be submitted as soon as possible in a supplementary report.

#### 5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating

characteristics; (b) describe the probable cause of the event; (c) indicate the action taken to correct the reported event; (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems; and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of such a report at the same time it is submitted to the other agency.

APPENDIX C

TO

FACILITY OPERATING LICENSE NO. NPF-28  
COMANCHE PEAK STEAM ELECTRIC STATION

UNIT 1

TEXAS UTILITIES ELECTRIC COMPANY, et al.

DOCKET NO. 50-445

ANTITRUST CONDITIONS\*

LICENSE CONDITIONS FOR COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

\* These are the Conformed Settlement License Conditions filed in December 1980 which were approved May 6, 1982 by the administrative law judge presiding over the consolidated antitrust proceedings for Comanche Peak Steam Electric Station. Although the text is identical, the sections have been renumbered for convenience.

A. The following definitions apply to paragraph B:

1. "Applicants" means severally and jointly Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Texas Utilities Company, and each other subsidiary, affiliate, or successor company now or hereafter engaged in the generation, transmission, and/or the distribution of electric power in the State of Texas.
2. "North Texas Area" means the following Texas counties:  
Anderson, Andrews, Angelina, Archer, Bastrop, Baylor, Bell, Borden, Bosque, Brown, Burnet, Cherokee, Clay, Coke, Collin, Comanche, Cooke, Coryell, Crane, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Freestone, Gaines, Glasscock, Grayson, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hunt, Jack, Johnson, Kaufman, Kent, Lamar, Lampasas, Leon, Limestone, Loving, Lynn, Martin, McLennan, Midland, Milam, Mitchell, Montague, Nacogdoches, Navarro, Nolan, Palo Pinto, Parker, Pecos, Rains, Reagan, Red River, Reeves, Rockwall, Rusk, Scurry, Schackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Terry, Tom Green, Travis, Upton, Van Zandt, Ward, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, and Young.
3. "Entity" means an electric utility which is a person, a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or an association owning, operating or contractually controlling, or proposing in good faith to own, operate, or contractually control, facilities for generation of electric power and energy; provided, however, that as used in paragraphs B.1, B.2, B.7, B.9, B.10(a) and B.10(b), B.11, B.12, and B.13, "Entity" means an electric utility which is a person, a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or an association owning or operating, or proposing in good faith to own or operate facilities for generation, transmission, and/or distribution of electric power and energy.
4. "Entity in the North Texas Area" means an Entity which owns or operates facilities for the generation, transmission, and/or distribution of electric power in any area within the North Texas Area.
5. "Bulk Power" means the electric power and/or electric energy supplied or made available at transmission or subtransmission voltages.
6. "Costs" means all appropriate operating and maintenance expenses and all ownership costs, where applicable.
7. The terms "connection" and "interconnection" are used interchangeably.

B. The "Applicants" defined in Paragraph A.1 are subject to the following antitrust conditions:

1. The Applicants shall afford an opportunity to participate in the Comanche Peak Steam Electric Station, Units 1 and 2, for the term of the instant license, or any extension or renewal thereof, to any Entity(ies) in the North Texas Area making a timely request therefor, through a reasonable ownership interest in such unit(s) on reasonable terms and conditions and on a basis that will fully compensate Applicants for their costs. It is understood that any request received prior to December 1, 1973, shall be deemed to be timely. In connection with such participation, the Applicants also will interconnect with and offer transmission service as may be required for delivery of such power to such Entity(ies) at a point or points on the Applicants' system on a basis that will fully compensate the Applicants for their costs, including a reasonable return on investment. Notwithstanding the December 1, 1973, date appearing hereinabove, the Applicants' offer of participation in Comanche Peak Steam Electric Station, Units 1 and 2, to Tex-La Electric Cooperative of Texas, Inc. shall not obligate the Applicants, by virtue of such offer, to offer an opportunity to participate in Comanche Peak Steam Electric Station, Units 1 and 2, to any other Entity.
  
2. The Applicants, as long as they are members of the Texas Interconnected Systems (TIS), shall support reasonable requests by Entities in the North Texas Area having generating capacity for membership in TIS. The Applicants shall also propose and actively support, as long as they are members thereof, the creation of one or more additional classifications of TIS membership based on non-discriminatory criteria to afford access to data, studies, and recommendations to all Entities in the North Texas Area for membership in any other electric utility planning or operating organization of which the Applicants are members (other than one involving only the Applicants). The Applicants shall share information with other Entities with respect to, and shall, with other such entities through any electric utility planning organizations (other than one involving only the Applicants) of which the Applicants are members, conduct and/or participate in joint studies and planning of future generation, transmission, and related facilities; provided, however, this condition shall not obligate the Applicants to conduct or participate in such joint studies or joint planning unless (1) the studies or planning are requested and conducted in good faith and are based on reasonably realistic and reasonably complete data or projections, (2) the studies or planning are reasonably justified on the basis of sound engineering principles, (3) appropriate protection is accorded proprietary or other confidential business and financial information, and (4) the costs for such studies or planning are allocated on a fair and equitable basis.

3. The Applicants will connect with, coordinate reserves, and sell, purchase or exchange emergency and/or scheduled maintenance bulk power with any Entity in the North Texas Area on terms that provide for the Applicants' costs, including a reasonable return on investment, in connection therewith and allow such Entity(ies) full access to the benefits of such reserve coordination.
4. Emergency service and/or scheduled maintenance service to be provided by each party shall be furnished to the fullest extent available from the supplying party and desired by the party in need. If requested, Applicants shall exchange maintenance schedules with any Entity in the North Texas Area. The Applicants and each such Entity(ies) shall provide to the other emergency service and/or scheduled maintenance service if and when available to the extent they can do so, without unreasonably impairing service to their customers including other electric systems to whom they have firm commitments. Any curtailment or refusal to provide such emergency and/or scheduled maintenance service shall be on a non-discriminatory basis.
5. The Applicants and the other party(ies) to a reserve sharing arrangement shall from time to time jointly establish the minimum reserves to be installed and/or provided under contractual arrangements as necessary to maintain in total a reserve margin sufficient to provide adequate reliability of power supply to the interconnected systems of the parties in accordance with good industry practice as developed in the area. Unless otherwise agreed upon, minimum reserve requirements shall be calculated as a percentage of each party's estimated net peak load demand (taking into account firm sales and firm purchases). No party to the arrangement shall be required to maintain greater reserves than the percentage which results from the aforesaid calculation. The reliability of power delivered into TIS-ERCOT over DC asynchronous connections shall not be treated differently by the Applicants, for purposes of spinning and installed reserve calculations and requirements, than would be the case if such power originated within TIS-ERCOT. Outages on DC asynchronous connections shall be treated by the Applicants the same as losses of generation within TIS-ERCOT. The Applicants agree to support the adoption of principles involving DC asynchronous connections contained in this paragraph within any TIS or ERCOT organization.
6. The parties to such a reserve sharing arrangement shall provide such amounts of spinning reserves as may be equitable and adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such reserve requirement exceed the installed reserve requirement.
7. Interconnections with any Entity will not be limited to low voltages when higher voltages are requested and are available from the Applicants' installed facilities in the area where a connection is desired, when the proposed arrangement is found to be technically and economically feasible. Control and telemetering facilities shall be provided as required for safe and prudent operation of the interconnected systems.

8. Interconnection and coordination agreements shall not embody any restrictive provisions pertaining to intersystem coordination. Good industry practice, as developed in the area from time to time (if not unreasonably restrictive), will satisfy this provision.
9. The Applicants shall participate in and facilitate the exchange of bulk power by transmission over the Applicants' transmission facilities between or among two or more Entities in the North Texas Area with which the Applicants are connected, and between any such Entity(ies) and any Entity(ies) outside the North Texas Area between whose facilities the Applicants' transmission lines and other transmission lines, including any direct current (asynchronous) transmission lines, form a continuous electrical path; provided that (i) permission to utilize such other transmission lines has been requested by the proponent of the arrangement, (ii) the arrangements reasonably can be accommodated from a functional and technical standpoint, and (iii) any Entity(ies) requesting such transmission arrangements shall have given Applicants reasonable advance notice of its (their) schedule and requirements. Such transmission shall be on terms that fully compensate the Applicants for their costs including a reasonable return on investment; provided, however, that such transmission services and the rates to be charged therefor shall be subject to any regulatory agency(ies) having jurisdiction thereof. The Applicants shall not refuse to provide such transmission service merely because the rates to be charged therefor are the subject of dispute with such Entity. The Applicants shall not be required to enter into any arrangement which would unreasonably impair system reliability or emergency transmission capacity, it being recognized that while some transmission may be operated fully loaded, other transmission may be for emergency use and operated either unloaded or partially loaded. (The foregoing applies to any Entity(ies) to which the Applicants may be connected in the future as well as those to which they are now connected.)
- 10(a) The Applicants shall include in their planning and construction programs sufficient transmission capacity as required for the transactions referred to in paragraphs B.9 and B.11, provided any Entity(ies) in the North Texas Area gives the Applicants sufficient advance notice as may be necessary to accommodate its (their) requirements from a functional and technical standpoint and that such Entity(ies) fully compensates the Applicants for their costs including a reasonable return on investment. The Applicants shall not be required to construct transmission facilities if construction of such facilities is infeasible, or if such would unreasonably impair system reliability or emergency transmission capacity. In connection with the performance of their obligations above, the Applicants shall not be foreclosed from requiring a reasonable contribution in aid of construction or from making arrangements for coordinated construction of future transmission lines such that each of the parties to the transaction would own an interest in or a segment of the transmission addition in proportion to

its share of the cost of the addition. Any such contribution made in aid of construction or ownership interest shall be properly credited in determining any wheeling charges. If the Applicants engage in joint ownership of transmission lines with any other Entity, they shall not refuse to engage in similar transactions in comparable circumstances with other Entities, subject to the provisions limiting the Applicants' obligations above.

- 10(b) Applicants shall provide other Entities with reasonable access to any future interstate interconnection facilities which Applicants may own, on terms and conditions comparable to the provisions of paragraph B.9 hereof and subparagraph 10(a).
11. The Applicants shall, upon reasonable advance notice, sell full and partial requirements bulk power to requesting Entities in the North Texas Area having, on the date of this license, non-aggregated generating capacity of less than 200 MW (including no generating capacity) under reasonable terms and conditions which shall provide for recovery of Applicants' costs, including a reasonable return on investment. The Applicants shall not be required to make any such sale if they do not have available sufficient bulk power or adequate transmission to provide the requested service or if the sale would impair their ability to render adequate and reliable service to their own customers or their ability to discharge prior commitments.
- 12(a) In connection with the performance of their obligations herein and subject to the provisions of this paragraph, the Applicants will not disconnect from or refuse to connect their then-existing or proposed facilities with the facilities of any Entity, used or proposed to be used for the transmission of electric energy in interstate commerce by reason of the interstate character of such facilities, and the Applicants will not prevent any Entity with which they maintain connection from establishing, maintaining, modifying, or utilizing a connection with facilities used or proposed to be used for the transmission of electric energy in interstate commerce by reason of the interstate character of such facilities, provided that, anything in these license conditions to the contrary notwithstanding (but subject to paragraph 12(b) and 12(d) below), any Entity seeking to establish, maintain, modify or utilize any connection which could affect the nonjurisdictional status of the Applicants under the Federal Power Act shall have filed an application with and used its best efforts to obtain an order from the Federal Energy Regulatory Commission, applicable to the Applicants under Sections 210, 211, and 212 of such Act, requiring the establishment, maintenance, modification or utilization of such connection. In the event that an Entity files an Application pursuant to this subparagraph, the Applicants agree that they will not unreasonably oppose any such application. In the event such application is denied by a valid order of the Federal Energy Regulatory Commission, any continuing refusal by the Applicants to establish, maintain, modify or utilize such



connection with such Entity shall be subject to review by the NRC in accordance with the Atomic Energy Act of 1954, as amended, and the rules and regulations thereunder, to determine whether any such refusal would create or maintain a situation inconsistent with the antitrust laws or the policies thereunder in accordance with the standards set forth in Section 105 of such Act; provided that all factual determinations by the FERC on any cost or system reliability reason(s) for any such refusal shall not be subject to redetermination by the NRC. The burden of proof will be on the Applicants in such NRC proceeding.

- 12(b) Applicants shall not enter into or maintain any agreement or understanding with any other Entity(ies) to refuse to deal with another Entity(ies) with the purpose of maintaining a non-jurisdictional status under the Federal Power Act, and in the event that Applicants refuse to make an interconnection with, or choose to disconnect from any Entity(ies), such decision and/or action by the Applicants will be undertaken unilaterally, not jointly, and without consultation with any other Entity(ies), provided, however, that after Applicants decide to undertake such action, they may notify any affected Entity.
- 12(c) In the event that an Entity files an application pursuant to subparagraph 12(a) solely by reason of the Applicants' desire to maintain their non-jurisdictional status under the Federal Power Act, Applicants agree to pay such Entity's reasonable expenses<sup>1/</sup> in connection with such application and the ensuing proceeding, provided, however, that Applicants shall not be required to pay for any expenses of such Entity if that Entity's application is denied by FERC for reasons advocated by Applicants at FERC, and provided further, that Applicants shall not be required to pay for any expenses of such Entity which that Entity would have incurred had it not filed an application solely by reason of Applicants' desire to maintain their non-jurisdictional status under the Federal Power Act.
- 12(d) Nothing in these License Conditions shall impair the right of the Department of Justice or any other Entity, public or private, to file an antitrust action in any Federal Court in the event any Applicant refuses to establish, maintain, modify or utilize any connection with any Entity(ies), provided, that nothing herein shall preclude any Applicant from raising any legal or equitable defense that may be available to it.

<sup>1/</sup> This obligation shall not apply to the expenses of the Central & South West Corporation or Houston Industries or any of their respective subsidiaries, including, but not limited to, the expenses of Central & South West Corporation and any of its subsidiaries incurred in FERC Docket EL79-8.

13. Applicants agree to use their best efforts to amend any agreements with all Entities to ensure that such agreements are not inconsistent with paragraphs B.12(a) and B.12(b).
14. The Applicants will, in accordance with applicable law, allow ownership participation in future nuclear generating facilities which they may construct, own, and operate in the State of Texas on conditions similar to these License Conditions.
15. Applicants shall use their best efforts to modify the Offer of Settlement filed in FERC Docket EL79-8 to include each of the undertakings set forth in the letter agreement among Applicants, Central & South West Corporation, Houston Lighting & Power Company and the FERC Staff dated September 11, 1980; Applicants shall thereafter use their best efforts to secure approval thereof by the FERC, and shall abide by any valid order(s) of the FERC issued pursuant to the Offer of Settlement. Nothing herein shall preclude the Department of Justice from instituting or intervening in any proceeding at FERC, including FERC Docket No. EL79-8, and from presenting such arguments and evidence that it deems appropriate.
16. The foregoing conditions shall be implemented i) in a manner consistent with applicable Federal, state and local statutes and regulations and ii) subject to any regulatory agency having jurisdiction. Nothing herein shall preclude the Applicants from seeking an exemption or other relief to which they may be entitled under applicable law or shall be construed as a waiver of their right to contest the applicability of the license conditions with respect to any factual situation.

7590-01

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 1

TEXAS UTILITIES ELECTRIC COMPANY, ET AL\*

NOTICE OF ISSUANCE OF FACILITY OPERATING LICENSE

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-28 (the license) to Texas Utilities Electric Company (the licensee). This license authorizes operation of the Comanche Peak Steam Electric Station, Unit 1 (the facility), by the licensee at reactor core power levels not in excess of 170 megawatts thermal in accordance with the provisions of the license, the Technical Specifications, and the Environmental Protection Plan.

Comanche Peak Steam Electric Station, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in Somervell County, Texas approximately 40 miles southwest of Fort Worth, Texas.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I,

\* The current owners of the Comanche Peak Steam Electric Station are: Texas Utilities Electric Company and Texas Municipal Power Agency. Transfer of ownership from Texas Municipal Power Agency to Texas Utilities Electric Company was previously authorized by Amendment No. 9 to Construction Permit CPPR-126 on August 25, 1988 to take place in 10 installments as set forth in the Agreement attached to the application for Amendment dated March 4, 1988. At the completion thereof, Texas Municipal Power Agency will no longer retain any ownership interest.

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which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license authorizing full power operation was published in the FEDERAL REGISTER on February 5, 1979 (44 FR 6995).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement (NUREG-0775) since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

Pursuant to 10 CFR 51.52, the Commission has determined that the granting of relief and issuance of the exemptions included in this license will have no significant impact on the environment. These determinations were published in the FEDERAL REGISTER on November 14, 1989 (54 FR 47430, 47431, and 47432).

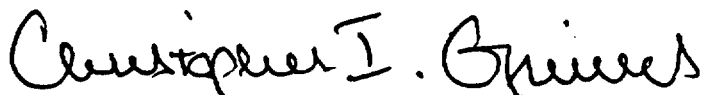
For further details with respect to this action, see (1) Facility Operating License No. NPF-28, with Technical Specifications (NUREG-1381), Environmental Protection Plan, and Antitrust Conditions; (2) the report to the Advisory Committee on Reactor Safeguards dated November 17, 1981; (3) the Commission's Safety Evaluation Report (NUREG-0797) dated July 1981; Supplement No. 1 dated October 1981; Supplement No. 2 dated January 1982; Supplement No. 3 dated March 1983; Supplement No. 4 dated November 1983; Supplement No. 6 dated November 1985; Supplement No. 7 dated January 1985; Supplement No. 8 dated February 1985; Supplement No. 9 dated March 1985; Supplement No. 10 dated April 1985; Supplement No. 11 dated May 1985; Supplement No. 12 dated October 1985; Supplement No. 13 dated May 1986; Supplement No. 14 dated March 1988; Supplement No. 15 dated July 1988; Supplement No. 16 dated July 1988; Supplement Nos. 17 through 20 dated November 1988; Supplement

No. 21 dated April 1989; Supplement No. 22 dated January 1990; and Supplement No. 23 dated February 1990;\*\* (4) The Final Safety Analysis Report through Amendment No. 78 dated January 15, 1990; (5) the Environmental Report through Amendment No. 3 dated January 8, 1981; and (6) the Final Environmental Statement dated September 1981, supplemented October 1989.

These items are available for public inspection at the Commission's Public Document Room, 2120 L Street, N. W., Washington, D. C. 20555, and the Local Public Document Room at the Somervell County Public Library on the Square, P. O. Box 1417, Glen Rose, Texas 76043. A copy of Facility Operating License No. NPF-28 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Comanche Peak Project Division. Copies of the Safety Evaluation Report and its Supplements 1 through 23 (NUREG-0797) and the Technical Specifications (NUREG-1381) may be purchased by calling (301) 492-9530 or by writing to the Publication Services Section, Division of Technical Information and Document Control, U. S. Nuclear Regulatory Commission, Washington D. C. 20555 or may be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Rockville, Maryland, the 8th day of February 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



Christopher I. Grimes, Director  
Comanche Peak Project Division  
Office of Nuclear Reactor Regulation

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\*\* Supplement No. 5 was never issued.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555  
February 8, 1990

Docket No. 50-445

Amendment to Indemnity Agreement No. B-96  
Amendment No. 7

Effective February 8, 1990, Indemnity Agreement No. B-96, between Texas Utilities Electric Company, Texas Municipal Power Agency and the Nuclear Regulatory Commission, dated February 14, 1983, as amended, is hereby further amended as follows:

Item 2a. of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 2 - Amount of financial protection

- a. \$1,000,000 (From 12:01 a.m., February 14, 1983, to  
12 midnight, February 7, 1990  
inclusive)
- \$200,000,000\* (From 12:01 a.m., February 8, 1990 )

Item 3 of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 3 - License Number or Numbers

- SNM-1912 (From 12:01 a.m., February 14, 1983, to  
12 midnight, February 7, 1990  
inclusive)
- SNM-1986 (From 12:01 a.m., September 27, 1989)
- NPF-28 (From 12:01 a.m., February 8, 1990 )

\*and, as of August 1, 1977, the amount available as secondary financial protection.

Item 5 of the Attachment to the indemnity agreement is amended by adding the following:

Nuclear Energy Liability Policy (Facility Form) NO. MF-131 issued by the Mutual Atomic Energy Liability Underwriters.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

*Eileen M McKenna*

Eileen M. McKenna, Acting Chief  
Policy Development and Technical Support Branch  
Program Management, Policy Development  
and Analysis Staff  
Office of Nuclear Reactor Regulation

Accepted \_\_\_\_\_, 1990

By \_\_\_\_\_  
Texas Utilities Electric Company

Accepted \_\_\_\_\_, 1990

By \_\_\_\_\_  
Texas Municipal Power Agency