

SEP 30 1981

Docket Nos.: 50-445
and 50-446

Mr. R. J. Gary
Executive Vice President
and General Manager
Texas Utilities Generating Company
2001 Bryan Towers
Dallas, Texas 75201

Dear Mr. Gary:

Subject: Amendments of Construction Permits for Comanche Peak Steam Electric
Station, Units 1 and 2

Your letter of April 28, 1980, requested amendments of the construction permits for the Comanche Peak Steam Electric Station, Units 1 and 2 to reflect revised ownership interests of the Dallas Power & Light Company (DPL), Texas Electric Service Company (TESCO) and Texas Power and Light Company (TPL). This revision provided for a transfer of ownership interests aggregating 5% from DPL to TESCO and TPL, such that each acquires an additional 2.5% undivided interest in the Comanche Peak Station.

We have reviewed the impact of the revision in ownership interest. We note that the financial plans of the three subject companies and the Texas Utilities Company, including provisions for financing Comanche Peak are closely intertwined and closely coordinated among these participants. Accordingly, the proposed transfer is relatively insignificant from the financial qualifications standpoint. On the basis of our review, we conclude that TESCO and TPL are financially qualified to finance the revised, additional ownership shares as proposed.

Your letter of May 28, 1981, transmitted an application for amendments to the Comanche Peak Station construction permits to add the Tex-La Electric Cooperative of Texas, Inc. (Tex-La) as a co-owner (tenant in common) of the subject facility. The application to amend the construction permits requested that TPL be allowed to sell 4-1/3 percent ownership interest in the facility to Tex-La. The latter application was supplemented by a letter, dated July 27, 1981, submitting a copy of a draft Wholesale Power Sales Contract referenced in the May 28, 1981 transmittal and a letter, dated September 16, 1981, containing a statement on the environmental impact of the proposed action.

We have reviewed Tex-La's plan for financing its proposed 4-1/3 percent ownership interest in the Comanche Peak Station. On August 3, 1981, the U. S. Rural

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Mr. R. J. Gary

- 2 -

SEP 30 1981

Electrification Administration (REA) issued a \$180 million loan guarantee commitment notice to Tex-La. With that REA commitment for the loan guarantee, we conclude that Tex-La has satisfied the NRC's financial qualification requirements.

Further, we conclude that granting the requested amendments does not involve a significant hazards consideration, does not constitute an unreasonable risk to the health and safety of the public, and is not inimical to the common defense and security. The bases for these conclusions are set forth in the enclosed Safety Evaluation.

We have also concluded that there will be no environmental impact attributable to the proposed action that was not considered in our Final Environmental Statement, and that therefore no environmental impact statement need be prepared for the proposed action. The bases for these conclusions are set forth in the enclosed Environmental Impact Appraisal. Also enclosed is the applicable Negative Declaration.

Enclosed are Amendment No. 4 to CPPR-126 and Amendment No. 4 to CPPR-127 for Comanche Peak which reflect the changes discussed above, and a copy of a related notice which has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment 4 to CPPR-126
2. Amendment 4 to CPPR-127
3. Safety Evaluation
4. Negative Declaration
5. Environmental Impact Appraisal
6. Federal Register Notice

ccs w/enclosures: See next page

*SEE PREVIOUS YELLOW FOR CONCURRENCES

OFFICE	DL:LB#1	OELD*	DL:LB#1	DL:AD/L	DL:QIR		
SURNAME	MR. Rushbrook	MR. Rothschild	DB. Youngblood	RL. Tedesco	DG. Eisenhut		
DATE	9/30/81	9/ /81	9/30/81	9/30/81	9/30/81		

Docket Nos.: 50-445
and 50-446

Mr. R. J. Gary
Executive Vice President
and General Manager
Texas Utilities Generating Company
2001 Bryan Towers
Dallas, Texas 75201

Dear Mr. Gary:

Subject: Amendments of Construction Permits for Comanche Peak Steam Electric
Station, Units 1 and 2

Your letter of April 28, 1980, requested amendments of the construction permits for the Comanche Peak Steam Electric Station, Units 1 and 2 to reflect revised ownership interests of the Dallas Power & Light Company (DPL), Texas Electric Service Company (TESCO) and Texas Power and Light Company (TPL). This revision provided for a transfer of ownership interests aggregating 5% from DPL to TESCO and TPL, such that each acquires an additional 2.5% undivided interest in the Comanche Peak Station.

We have reviewed the impact of the revision in ownership interest. We note that the financial plans of the three subject companies and the Texas Utilities Company, including provisions for financing Comanche Peak are closely intertwined and closely coordinated among these participants. Accordingly, the proposed transfer is relatively insignificant from the financial qualifications standpoint. On the basis of our review, we conclude that TESCO and TPL are financially qualified to finance the revised, additional ownership shares as proposed.

✓ Your letter of May 28, 1981, transmitted an application for amendments to the Comanche Peak Station construction permits to add the Tex-La Electric Cooperation of Texas, Inc. (Tex-La) as a co-owner (tenant in common) of the subject facility. The application to amend the construction permits requested that TPL be allowed to sell 4-1/3 percent ownership interest in the facility to Tex-La. The latter application was supplemented by a letter, dated July 27, 1981, submitting a copy of a draft Wholesale Power Sales Contract referenced in the May 28, 1981 transmittal and a letter, dated September 16, 1981, containing a statement on the environmental impact of the proposed action.

We have reviewed Tex-La's plan for financing its proposed 4-1/3 percent ownership interest in the Comanche Peak Station. On August 3, 1981, the U. S. Rural

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- 2 -

Further, we conclude that granting the requested amendments does not involve a significant hazards consideration, does not constitute an unreasonable risk to the health and safety of the public, and is not inimical to the common defense and security. The bases for these conclusions are set forth in the enclosed Safety Evaluation.

Enclosed are Amendment No. 4 to CPPR-126 and Amendment No. 4 to CPPR-127 for Comanche Peak which reflect the changes discussed above, and a copy of a related notice which has been forwarded to the Office of the Federal Register for publication.

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

1. Amendment 4 to CPPR-126
2. Amendment 4 to CPPR-127
3. Safety Evaluation
4. Negative Declaration
5. Environmental Impact Appraisal
6. Federal Register Notice

Note typed on
p.p. 1 and 2.

NRC FORM 318 (10/80) NRCM 0240

OFFICIAL RECORD COPY

☆ USGPO: 1980-329-824

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

CONSTRUCTION PERMIT

Amendment No. 4
 Construction Permit No. CPPR-126

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The applications for amendment to Construction Permit No. CPPR-126
 - ✓ transmitted by a Texas Utilities Generating Company letter, dated April 28, 1980, for the purpose of transferring percentage ownership interests between Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company; and a Texas Utilities Generating Company letter, dated May 28, 1981, supplemented by a letter, dated July 27, 1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc. as a co-owner of Comanche Peak Steam Electric Station, Unit 1 (the facility) ^{complies} with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The Texas Electric Service Company and Texas Power & Light Company are financially qualified to finance the revised additional ownership interests in the facility.
 - C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance its ownership interests in the facility.
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. Issuance of this amendment will result in no environmental impacts not previously considered.

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

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

CONSTRUCTION PERMIT

Amendment No. 4
Construction Permit No. CPPR-126

1. The Nuclear Regulatory Commission (the Commission) having found that:

- A. The applications for amendment to Construction Permit No. CPPR-126
✓ transmitted by a Texas Utilities Generating Company letter, dated
April 28, 1980, for the purpose of transferring percentage ownership
interests between Dallas Power & Light Company, Texas Electric Service
Company and Texas Power & Light Company; and a Texas Utilities Generating
Company letter, dated May 28, 1981, supplemented by a letter, dated July 27,
1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc.
as a co-owner of Comanche Peak Steam Electric Station, Unit 1 (the
✓ facility) *complies* ~~complies~~ with the standards and requirements of the Atomic
Energy Act of 1954, as amended, and the Commission's rules and regulations
set forth in 10 CFR Chapter I;
- B. The Texas Electric Service Company and Texas Power & Light Company are
financially qualified to finance the revised additional ownership
interests in the facility.
- C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance
its ownership interests in the facility.
- D. The issuance of this amendment will not be inimical to the common defense
and security or to the health and safety of the public; and
- E. Issuance of this amendment will result in no environmental impacts not
previously considered.

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DUCKET NO. 50-446

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

CONSTRUCTION PERMIT

Amendment No. 4
Construction Permit No. CPPR-127

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. ✓ The applications for amendment to Construction Permit No. CPPR-127 transmitted by a Texas Utilities Generating Company letter, dated April 28, 1980, for the purpose of transferring percentage ownership interests between Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company; and a Texas Utilities Generating Company letter, dated May 28, 1981, supplemented by a letter, dated July 27, 1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc. as a co-owner of Comanche Peak Steam Electric Station, Unit 2 (the facility) ✓ ^{comply} complied with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The Texas Electric Service Company and Texas Power & Light Company are financially qualified to finance the revised additional ownership interests in the facility.
 - C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance its ownership interests in the facility.
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. Issuance of this amendment will result in no environmental impacts not previously considered.

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

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DOCKET NO. 50-446

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

CONSTRUCTION PERMIT

Amendment No. 4
Construction Permit No. CPPR-127

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The applications for amendment to Construction Permit No. CPPR-127
✓transmitted by a Texas Utilities Generating Company letter, dated, April 28, 1980, for the purpose of transferring percentage ownership interests between Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company; and a Texas Utilities Generating Company letter, dated May 28, 1981, supplemented by a letter, dated July 27, 1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc. as a co-owner of Comanche Peak Steam Electric Station, Unit 2 (the
✓facility) ^{copy} ~~complies~~ with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The Texas Electric Service Company and Texas Power & Light Company are financially qualified to finance the revised additional ownership interests in the facility.
 - C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance its ownership interests in the facility.
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. Issuance of this amendment will result in no environmental impacts not previously considered.

ENVIRONMENTAL IMPACT APPRAISAL
BY THE DIVISION OF LICENSING
SUPPORTING AMENDMENTS NO. 4 TO CPPR-126 AND CPPR-127
RELATING TO CHANGE IN OWNERSHIP INTEREST IN
COMANCHE PEAK STEAM ELECTRIC STATION UNIT NOS. 1 AND 2
DOCKET NOS. 50-445 AND 50-446

Description of the Proposed Action

By a letter, dated May 28, 1981, Texas Utilities Generating Company (TUGCO) filed a request with the Nuclear Regulatory Commission to reflect additional ownership interest in the Comanche Peak Steam Electric Station, Unit Nos. 1 and 2 (the Station). The action proposed by the permittee is the issuance of amendments to Construction Permits CPPR-126 and CPPR-127 that would specify the Tex-La Electric Cooperative of Texas, Incorporated (Tex-La) as an additional co-owner of the Station. At this time, Station ownership rests with Dallas Power & Light Company (DP&L), Texas Power & Light Company (TP&L), and Texas Electric Service Company (TESCO), Texas Municipal Power Agency (TMPA) and the Brazos Electric Power Cooperative, Incorporated (BEPC). The amendments would reduce the TPL interest to 31-1/2% and assign a 4-1/3% interest to Tex-La. TUGCO, the present holder of Construction Permits CPPR-126 and CPPR-127, will retain exclusive responsibility for the design, construction, operation, and maintenance of the Station, and will act as agent for all owners in connection with all aspects of NRC licensing and regulation.

The staff's Final Environmental Statement (FES) relating to construction of the Station was published in June 1974. The Final Environmental Statement related to operation of the Station was issued in September 1981.

Environmental Impact of the Proposed Action

Tex-La is a generation and transmission cooperative which has been organized to engage in rural electrification for its members, Deep East Texas Electric Cooperative, Houston County Electric Cooperative, Jasper-Newton Electric Cooperative, Sam Houston Electric Cooperative, Rusk County Electric Cooperative, Cherokee County Electric Cooperative and Wood County Electric Cooperative.

In a letter, dated September 16, 1981, the Texas Utilities Generating Company stated, "there will be no addition or modified transmission facilities as a result of Tex-La Electric Cooperative of Texas, Inc. (Tex-La) becoming part owner of Comanche Peak and there will be no changes in plant design as a result of Tex-La becoming part owner of Comanche Peak."

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ENVIRONMENTAL IMPACT APPRAISAL

BY THE DIVISION OF LICENSING

SUPPORTING AMENDMENTS NO. 4 TO CPPR-126 AND CPPR-127

RELATING TO CHANGE IN OWNERSHIP INTEREST IN

COMANCHE PEAK STEAM ELECTRIC STATION UNIT NOS. 1 AND 2

DOCKET NOS. 50-445 AND 50-446

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Environmental Impact of the Proposed Action

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Mr. R. J. Gary
Executive Vice President and
General Manager
Texas Utilities Generating Company
2001 Bryan Tower
Dallas, Texas 75201

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Mrs. Juanita Ellis, President
Citizens Association for Sound
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Dallas, Texas 75224

Resident Inspector/Comanche Peak
Nuclear Power Station
c/o U. S. Nuclear Regulatory
Commission
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Ms. Betty B. Brink
Citizens for Fair Utility Regulation
7600 Anglin Drive
Forth Worth, Texas 76119

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

CONSTRUCTION PERMIT

Amendment No. 4
Construction Permit No. CPPR-126

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The applications for amendment to Construction Permit No. CPPR-126 transmitted by a Texas Utilities Generating Company letter, dated April 28, 1980, for the purpose of transferring percentage ownership interests between Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company; and a Texas Utilities Generating Company letter, dated May 28, 1981, supplemented by a letter, dated July 27, 1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc. as a co-owner of Comanche Peak Steam Electric Station, Unit 1 (the facility) comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The Texas Electric Service Company and Texas Power & Light Company are financially qualified to finance the revised additional ownership interests in the facility.
 - C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance its ownership interests in the facility.
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. Issuance of this amendment will result in no environmental impacts not previously considered.

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2. Accordingly, Construction Permit No. CPPR-126 is amended to reflect a change in the ownership of the facility as follows:

A. All references to Applicants (except as specified in Paragraph 3.D) shall include Tex-La Electric Cooperative of Texas, Inc.

B. Add a new paragraph 3.F as follows:

"F. The ownership interests of the applicants shall be as follows:

Dallas Power & Light Company	18-1/3%
Texas Electric Service Company	35-5/6%
Texas Power & Light Company	31-1/2%
Texas Municipal Power Agency	6-1/5%
Brazos Electric Power Cooperative, Inc.	3-4/5%
Tex-La Electric Cooperative of Texas, Inc.	4-1/3%"

3. This amendment is effective as of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Date of Issuance: September 30, 1981

OFFICE	DL/LB#1	OELD	DL/LB#1	DL/AD/LIC	D/DL
SURNAME	S Burwell	M Rathschild	J Youngblood	R Tedesco	D E Isenhut
DATE	9/30/81	9/28/81	9/30/81	9/20/81	9/30/81

TEXAS UTILITIES GENERATING COMPANY
DALLAS POWER AND LIGHT COMPANY
TEXAS ELECTRIC SERVICE COMPANY
TEXAS POWER AND LIGHT COMPANY
TEXAS MUNICIPAL POWER AGENCY
BRAZOS ELECTRIC POWER COOPERATIVE, INC.
TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

DOCKET NO. 50-446

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

CONSTRUCTION PERMIT

Amendment No. 4
 Construction Permit No. CPPR-127

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The applications for amendment to Construction Permit No. CPPR-127 transmitted by a Texas Utilities Generating Company letter, dated April 28, 1980, for the purpose of transferring percentage ownership interests between Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company; and a Texas Utilities Generating Company letter, dated May 28, 1981, supplemented by a letter, dated July 27, 1981, for the purpose of adding Tex-La Electric Cooperative of Texas, Inc. as a co-owner of Comanche Peak Steam Electric Station, Unit 2 (the facility) comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The Texas Electric Service Company and Texas Power & Light Company are financially qualified to finance the revised additional ownership interests in the facility.
 - C. The Tex-La Electric Cooperative of Texas, Inc. is qualified to finance its ownership interests in the facility.
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. Issuance of this amendment will result in no environmental impacts not previously considered.

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2. Accordingly, Construction Permit No. CPPR-127 is amended to reflect a change in the ownership of the facility, as follows:

A. All references to Applicants (except as specified in Paragraph 3.D) shall include Tex-La Electric Cooperative of Texas, Inc.

B. Add a new paragraph 3.F as follows:

"F. The ownership interests of the applicants shall be as follows:

Dallas Power & Light Company	18-1/3%
Texas Electric Service Company	35-5/6%
Texas Power & Light Company	31-1/2%
Texas Municipal Power Agency	6-1/5%
Brazos Electric Power Cooperative, Inc.	3-4/5%
Tex-La Electric Cooperative of Texas, Inc.	4-1/3%

3. This amendment is effective as of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

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Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Date of Issuance: September 30, 1981

Note corrections on
p.1

OFFICE	DL/LB#1	OELD	DL/PLA#1	DL/AD/LIC	D/PL		
SURNAME	Burwell	MRothschild	d.Young	RTedesco	DEisenhut		
DATE	9/30/81	9/28/81	9/30/81	9/30/81	9/30/81		

SAFETY EVALUATION

SUPPORTING AMENDMENT NO. 4 TO CPPR-126 AND CPPR-127

INTRODUCTION

On December 19, 1974, Construction Permits CPPR-126 and CPPR-127 were issued to the Texas Utilities Generating Company (TUGCO), Dallas Power and Light Company (DPL), Texas Electric Service Company (TESCO) and Texas Power and Light Company (TPL) for the Comanche Peak Steam Electric Station, Units 1 and 2. Amendments 1 and 2 to these construction permits modified the Conditions 3.E.(7) and 3.E.(8) relative to the protection of the environment. Amendments 1 and 2 were issued December 4, 1978; and November 16, 1979 respectively. Amendment 3 to these construction permits added as co-owners the Texas Municipal Power Agency (TMPA) and Brazos Electric Power Cooperative, Inc. (BEPC). Amendment 3 was issued December 18, 1979.

By its letter of April 28, 1980, the Texas Utilities Generating Company requested amendments to the construction permits to provide for transfer of ownership interests aggregating 5% from DPL to TESCO and TPL, such that each acquires an additional 2.5% undivided interest as a tenant in common without right of partition. This requested amendment would reduce DPL's interest to 18-1/3%, while the interest of TPL and TESCO would each be increased to 35-5/6%.

On May 28, 1981, the Texas Utilities Generating Company requested amendments to the construction permits to add the Tex-La Electric Cooperative of Texas, Inc. (Tex-La) as a co-owner of the subject facilities. Upon NRC approval, the Joint Ownership Agreement provides for transfer of a 4-1/3% ownership interest from TPL to Tex-La as a tenant in common without right of partition.

The Texas Utilities Generating Company supplemented information submitted on the May 28, 1981 request for amendments by letters dated July 27, 1981 and September 16, 1981.

On August 3, 1981, the U. S. Rural Electrification Administration issued a \$180 million loan guarantee commitment notice to Tex-La to be used to finance the 4-1/3% undivided ownership interest in the Comanche Peak Steam Electric Station, Units 1 and 2 and in related transmission facilities.

At this time the NRC staff has completed its review of all safety-significant matters related to the issuance of construction permit amendments as requested in the April 28, 1980 and May 28, 1981 applications. This Safety Evaluation is therefore issued in support of Amendments No. 4 to Construction Permits CPPR-126 and CPPR-127 approving the transfer of ownership interests between DPL, TESCO and TPC, and the addition of Tex-La as a co-owner in the Comanche Peak facility.

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Entitlement to output will correspond to ownership shares, which will be as follows:

DPL	18-1/3%
TESCO	35-5/6%
TPL	31-1/2%
TMPA	6-1/5%
BEPC	3-4/5%
Tex-La	4-1/3%

The purpose of this Safety Evaluation is to examine the impact of the proposed change in ownership shares as described above on the conclusions presented in Section 21.0 of the "Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2," issued September 3, 1974, and Section 23.0 of the "Safety Evaluation Report related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, July 1981. Specifically, the evaluation will address the resultant changes or lack of changes:

1. In the design of the facility or requirements for safety-related information.
2. In the financial qualifications of the applicants; i.e., the qualifications of TESCO and TPL to undertake increased percentages of ownership of the facility and the qualifications of the proposed new co-owner to share in the design and construction of the facility.
3. In the conclusions concerning the common defense and security.
4. In the conclusions concerning the health and safety of the public.

In accordance with ALAB-459 (Marble Hill), February 15, 1978 which held that co-owners will be deemed to be co-applicants, the application for amendments is construed to include Tex-La Electric Cooperative of Texas, Inc. as a co-applicant as well as a co-owner.

EVALUATION

We have reviewed the applications for amendments identified above. Our review of safety-related matters and our conclusions concerning each item are described in the following subsections of this evaluation report.

Design of the Facility

We have reviewed the application for amendments submitted by the letter of April 28, 1980, and find no information which leads us to conclude that the requested amendments to the construction permits will result in design changes to the facility. We note the above dated letters states "...the proposed amendments are pro forma, administrative in nature and have no safety or environmental significance..." We interpret that quote to be a statement of the applicants' intent regarding the requested action.

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We have also reviewed the Joint Ownership Agreements and Amendments of Joint Ownership Agreement submitted by the letter of May 28, 1981, and find no information which leads us to conclude that the requested amendments to the construction permits will result in design changes to the facility.

In addition, the Texas Utilities Generating Company in a letter, dated September 16, 1981, states, "there will be no changes in plant design as a result of Tex-La becoming part owner of Comanche Peak."

On the basis of our review of the applications for amendments, the Joint Ownership Agreement and Amendment of Joint Ownership Agreement and the above statement by the Texas Utilities Generating Company, we conclude that neither the proposed transfer of ownership interests between DPL, TESCO and TPL, nor the participation of the proposed new co-owner in the manner described will result in safety-significant design changes to the facility. Further, we find that our conclusions in Sections 21.0 and our conclusions in Section 23.0 of the Safety Evaluation Report of the Comanche Peak Steam Electric Station, Units 1 and 2, will not be altered by the issuance of the requested amendments to the construction permits.

Financial Qualifications of the Applicants

The Texas Utilities Generating Company submitted two separate requests for amendments to the construction permits as describe above. The NRC staff reviewed the financial qualifications of the applicants as impacted by each request in the following separate evaluations.

Readjustment of Comanche Peak Ownership Interests

By letter dated April 28, 1980, Texas Utilities Generating Company (TUGCO) requested NRC's approval to transfer 5 percent of the Comanche Peak ownership from Dallas Power and Light Company (DPL) to Texas Electric Service Company (TESCO) - 2.5 percent, and the Texas Power and Light Company (TPL) - 2.5 percent. The total ownership of the station before and after the transfer would be as follows:

	<u>Current</u>	<u>Revised</u>
Texas Utilities Generating Co.	0%	0%
Dallas Power and Light Co.	23-1/3%	18-1/3%
Texas Power and Light Co.	33-1/3%	35-5/6%
Texas Electric Service Co.	33-1/3%	35-5/6%
Texas Municipal Power Agency	6-1/5%	6-1/5%
Brazos Electric Power Coop., Inc.	3-4/5%	3-4/5%
Total	100%	100%

TUGCO, while having no ownership interest in the project, acts as agent for all the participants in matters relating to the design, construction and operation of the project as well as all aspects of NRC licensing and regulation.

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After NRC approval of the ownership transfer the participants will amend their Joint Ownership Agreement in accordance with the revised percentages. The participants will continue to make periodic payments on a monthly basis for their revised pro-rata shares of construction costs.

DPL, as well as the two participants proposing to increase their ownership interests (TESCO and TPL) are wholly-owned subsidiaries of Texas Utilities Company, a utility holding company. The financial plans of all four companies, including provisions for financing Comanche Peak are closely intertwined and closely coordinated among these participants. Accordingly, the proposed transfer is administrative in nature and is relatively insignificant from the financial qualifications standpoint. Nonetheless a brief financial review of the companies proposing increased ownership shares is useful.

Revenues/Net Income (Millions)

<u>TESCO</u>				
<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>
\$666/\$121	\$534/\$86	\$502/\$85	\$384/\$68	\$317/\$68
<u>TPL</u>				
<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>
\$992/\$162	\$810/\$129	\$743/\$123	\$645/\$105	\$494/\$83

The first mortgage bonds of TESCO and TPL are rated "AAA," highest quality, by both major securities rating firms, Moody's Investors Service, Inc., and Standard and Poor's Corporation. In addition, both participants enjoy a very favorable economic regulatory environment which is an important factor in their ability to finance the construction of a utility plant.

In accordance with the provisions of 10 CFR 50.33(f) and Appendix C to 10 CFR Part 50, we have concluded that TESCO and TPL are financially qualified to finance the revised, additional ownership shares in the Comanche Peak Steam Electric Station as described above. There is reasonable assurance that TESCO and TPL can obtain the funds to finance the proposed additional shares in the facility.

Financial Qualifications of Tex-La Electric Cooperative of Texas, Inc.

Summary

By application dated May 28, 1981, the current co-owners of Comanche Peak Unit 1 & 2, applied to amend the construction permits to allow Texas Power

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and Light Company to sell a 4-1/3 percent ownership interest in the facility to Tex-La Electric Cooperative of Texas, Inc. (Tex-La). With this sale, the ownership interests of the applicants would be as follows:

Dallas Power and Light Company	18-1/3%
Texas Electric Service Company	35-5/6%
Texas Power and Light Company	31-1/2%
Texas Municipal Power Agency	6-1/5%
Brazos Electric Power Cooperative, Inc.	3-4/5%
Tex-La Electric Cooperative of Texas, Inc	4-1/3%

Tex-La is a membership generating and transmission electric cooperative recently organized under the Texas Electric Cooperative Act. It will provide power to its seven member distribution cooperatives: Deep East Texas Electric Cooperative, Houston County Electric Cooperative, Jasper-Newton Electric Cooperative, Sam Houston Electric Cooperative, Rusk County Electric Cooperative, Cherokee County Electric Cooperative and Wood County Electric Cooperative. Tex-La's service area is bordered on the East by the Texas-Louisiana state lines and extends Southwest from Dallas, Texas to just North of Houston.

In addition to the May 28, 1981 application, the applicants also filed additional information in response to the staff's request that describes in detail the financial arrangements that have been made for the proposed transfer.

Since the date of the applicants' request to amend the construction permits, Tex-La's plan for financing its full ownership share has virtually been realized. On August 3, 1981, the U.S. Rural Electrification Administration issued a \$180 million loan guarantee commitment notice to Tex-La, an amount substantially in excess of Tex-La's estimated total capital contribution to the subject facility (\$135 million). Because this REA commitment for the loan guarantee is already in effect, Tex-La has satisfied NRC's financial qualifications requirements, as described below. The only remaining actions necessary to transfer the ownership interest to Tex-La are execution of loan documents, execution of joint ownership and wholesale power agreements, and issuance of NRC amendments.

NRC Financial Qualifications Requirements

The NRC regulations relating to the determination of an applicant's financial qualifications are Section 50.33(f) and Appendix C to 10 CFR Part 50. These regulations state that there must be reasonable assurance that the applicant can obtain the funds to design and construct the plant including the initial fuel core. In Public Service Company of New Hampshire, et. al. - (Seabrook Station, Units 1 and 2) 7 NRC 1 at 18, CLI-78-1 (1978) the Commission interpreted

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the reasonable assurance standard by stating that, "... a 'reasonable assurance' does not mean a demonstration of near certainty that an applicant will never be pressed for funds in the course of construction. It does mean that the applicant must have a reasonable financing plan in the light of relevant circumstances." Due to the advanced state of Tex-La's financial arrangements for the full amount of its participation in Comanche Peak (i.e., receipt of the REA loan guarantee commitment notice) Tex-La has demonstrated a reasonable financing plan in the light of relevant circumstances.

Conclusion

In accordance with the provisions of 10 CFR 50.33(f) and Appendix C to 10 CFR Part 50, Tex-La Electric Cooperative of Texas, Inc. has demonstrated reasonable assurance that it can obtain the funds to purchase a 4-1/3 percent ownership interest in Comanche Peak. Accordingly, Tex-La is financially qualified under the provisions of the above regulations to purchase such an interest. Tex-La is required to submit copies of the executed joint ownership agreement as a condition subsequent to issuance of the construction permit amendments.

Common Defense and Security

The application for amendment states that Tex-La is not owned, controlled or dominated by an alien, a foreign corporation or a foreign government. In the application for amendments, Tex-La agrees that it will not permit any individual to have access to Restricted Data until the Civil Service Commission Office of Personnel Management shall have made an investigation and a report to the NRC on the character associations and loyalty of such individual, and the NRC shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security. On the basis of the above statement and agreement, we conclude that the issuance of the requested amendments to the construction permits adding the above utility as co-applicant will not be inimical to the common defense and security. Further, we find that our conclusion (7) regarding common defense and security in Section 21.0 of the Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2 will not be altered by the issuance of the requested amendments to the construction permits.

SUMMARY OF THE SAFETY EVALUATION

We have examined the impact on safety considerations of amending Construction Permits CPPR-126 and CPPR-127 to readjust the ownership interests and to add Tex-La as a co-applicant and co-owner of undivided shares in the Comanche Peak Steam Electric Station, Units 1 and 2. We have concluded that:

1. The requested amendments, will not result in safety significant design changes to the facility,

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2. The co-applicants TESCO and TPL are financially qualified to finance the proposed additional ownership interests, and Tex-La is financially qualified to participate as described in the design and construction of the facility; and
3. The requested amendments will not endanger the common defense and security.

On the basis of the above conclusions, we find that the issuance of the requested amendments approving the transfer of ownership interests between DPL, TESCO and TPL, and the admission of Tex-La as a co-applicant will not be inimical to the health and safety of the public, and that our conclusions regarding the common defense and security in Section 21.0 and Section 23.0 of the Safety Evaluation Reports related to the Comanche Peak Steam Electric Station, Units 1 and 2 will remain unaltered. Further, we find that the requested amendments do not involve a significant hazards consideration because this action will not involve a significant increase in the probability or consequences of an accident, and this action will not involve a significant decrease in safety margin.

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Spottswood B. Burwell, Project Manager
Licensing Branch No. 1
Division of Licensing

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B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing

Dated: September 30, 1981

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SURNAME	SBBurwell/1g	BJYoungblood					
DATE	9/30/81	9/30/81					

SAFETY EVALUATION

SUPPORTING AMENDMENT NO. 3 TO CPPR-126 AND CPPR-127

INTRODUCTION

On December 19, 1974, Construction Permits CPPR-126 and CPPR-127 were issued to the Texas Utilities Generating Company (TUGCO), Dallas Power and Light Company (DPL), Texas Electric Service Company (TESCO) and Texas Power and Light Company (TPL) for the Comanche Peak Steam Electric Station, Units 1 and 2. Amendments 1 and 2 to these construction permits modified the Conditions 3.E.(7) and 3.E.(8) relative to the protection of the environment. Amendments 1 and 2 were issued December 4, 1978; and November 16, 1979 respectively. Amendment 3 to these construction permits added as co-owners the Texas Municipal Power Agency (TMPA) and Brazos Electric Power Cooperative, Inc. (BEPC). Amendment 3 was issued December 18, 1979.

By its letter of April 28, 1980, the Texas Utilities Generating Company requested amendments to the construction permits to provide for transfer of ownership interests aggregating 5% from DPL to TESCO and TPL, such that each acquires an additional 2.5% undivided interest as a tenant in common without right of partition. This requested amendment would reduce DPL's interest to 18-1/3%, while the interest of TPL and TESCO would each be increased to 35-5/6%.

On May 28, 1981, the Texas Utilities Generating Company requested amendments to the construction permits to add the Tex-La Electric Cooperative of Texas, Inc. (Tex-La) as a co-owner of the subject facilities. Upon NRC approval, the Joint Ownership Agreement provides for transfer of a 4-1/3% ownership interest from TPL to Tex-La as a tenant in common without right of partition.

The Texas Utilities Generating Company supplemented information submitted on the May 28, 1981 request for amendments by letters dated July 27, 1981 and September 16, 1981.

On August 3, 1981, the U. S. Rural Electrification Administration issued a \$180 million loan guarantee commitment notice to Tex-La to be used to finance the 4-1/3% undivided ownership interest in the Comanche Peak Steam Electric Station, Units 1 and 2 and in related transmission facilities.

At this time the NRC staff has completed its review of all safety-significant matters related to the issuance of construction permit amendments as requested in the April 28, 1980 and May 28, 1981 applications. This Safety Evaluation is therefore issued in support of Amendments No. 4 to Construction Permits CPPR-126 and CPPR-127 accepting the transfer of ownership interests between DPL, TESCO and TPL, and the admission of Tex-La as a co-owner in the Comanche Peak facility.

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SAFETY EVALUATION

SUPPORTING AMENDMENT NO. 3 TO CPPR-126 AND CPPR-127

INTRODUCTION

On December 19, 1974, Construction Permits CPPR-126 and CPPR-127 were issued to the Texas Utilities Generating Company (TUGCO), Dallas Power and Light Company (DPL), Texas Electric Service Company (TESCO) and Texas Power and Light Company (TPL) for the Comanche Peak Steam Electric Station, Units 1 and 2. Amendments 1 and 2 to these construction permits modified the Conditions 3.E.(7) and 3.E.(8) relative to the protection of the environment. Amendments 1 and 2 were issued December 4, 1978; and November 16, 1979 respectively. Amendment 3 to these construction permits added as co-owners the Texas Municipal Power Agency (TMPA) and Brazos Electric Power Cooperative, Inc. (BEPC). Amendment 3 was issued December 18, 1979.

By its letter of April 28, 1980, the Texas Utilities Generating Company requested amendments to the construction permits to provide for transfer of ownership interests aggregating 5% from DPL to TESCO and TPL, such that each acquires an additional 2.5% undivided interest as a tenant in common without right of partition. This requested amendment would reduce DPL's interest to 18-1/3%, while the interest of TPL and TESCO would each be increased to 35-5/6%.

On May 28, 1981, the Texas Utilities Generating Company requested amendments to the construction permits to add the Tex-La Electric Cooperative of Texas, Inc. (Tex-La) as a co-owner of the subject facilities. Upon NRC approval, the Joint Ownership Agreement provides for transfer of a 4-1/3% ownership interest from TPL to Tex-La as a tenant in common without right of partition.

The Texas Utilities Generating Company supplemented information submitted on the May 28, 1981 request for amendments by letters dated July 27, 1981 and September 16, 1981.

On August 3, 1981, the U. S. Rural Electrification Administration issued a \$180 million loan guarantee commitment notice to Tex-La to be used to finance the 4-1/3% undivided ownership interest in the Comanche Peak Steam Electric Station, Units 1 and 2 and in related transmission facilities.

At this time the NRC staff has completed its review of all safety-significant matters related to the issuance of construction permit amendments as requested in the April 28, 1980 and May 28, 1981 applications. This Safety Evaluation is therefore issued in support of Amendments No. 4 to Construction Permits CPPR-126 and CPPR-127 ~~accepting~~ ^{approving} the transfer of ownership interests between DPL, TESCO and TPL, and the ~~admission~~ ^{addition} of Tex-La as a co-owner in the Comanche Peak facility.

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Entitlement to output will correspond to ownership shares, which will be as follows:

DPL	18-1/3%
TESCO	35-5/6%
TPL	31-1/2%
TMPA	6-1/5%
BEPC	3-4/5%
Tex-La	4-1/3%

and Section 23.0 of the "Safety Evaluation Report related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, July 1981."

The purpose of this Safety Evaluation is to examine the impact of the proposed change in ownership shares as described above on the conclusions presented in Section 21.0 of the "Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2," issued September 3, 1974. Specifically, the evaluation will address the resultant changes or lack of changes:

1. In the design of the facility or requirements for safety-related information (~~Items 1 through 4~~).
2. In the financial qualifications of the applicants; i.e., the qualifications of TESCO and TPL to undertake increased percentages of ownership of the facility and the qualifications of the proposed new co-owner to share in the design and construction of the facility (~~Item 6~~).
3. In the conclusions concerning the common defense and security (~~Item 7~~).
4. In the conclusions concerning the health and safety of the public (~~Item 7~~).

In accordance with ALAB-459 (Marble Hill), February 15, 1978 which held that co-owners will be deemed to be co-applicants, the application for amendments is construed to include Tex-La Electric Cooperative of Texas, Inc. as a co-applicant as well as a co-owner.

EVALUATION

We have reviewed the applications for amendments identified above. Our review of safety-related matters and our conclusions concerning each item are described in the following subsections of this evaluation report.

Design of the Facility

We have reviewed the application for amendments submitted by the letter of April 28, 1980, and find no information which leads us to conclude that the requested amendments to the construction permits will result in design changes to the facility. We note the above dated letters states "...the proposed amendments are pro forma, administrative in nature and have no safety or environmental significance..." We interpret that quote to be a statement of the applicants' intent regarding the requested action.

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We have also reviewed the Joint Ownership Agreements and Amendments of Joint Ownership Agreement submitted by the letter of May 28, 1981, and find no information which leads us to conclude that the requested amendments to the construction permits will result in design changes to the facility.

In addition, the Texas Utilities Generating Company in a letter, dated September 16, 1981, states, "there will be no changes in plant design as a result of Tex-La becoming part owner of Comanche Peak."

On the basis of our review of the applications for amendments, the Joint Ownership Agreement and Amendment of Joint Ownership Agreement and the above statement by the Texas Utilities Generating Company, we conclude that neither the proposed transfer of ownership interests between DPL, TESCO and TPL, nor the participation of the proposed new co-owner in the manner described will result in safety-significant design changes to the facility. Further, we find that our conclusions ~~(1) through (4)~~ in Section 24.0 of the Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2, will not be altered by the issuance of the requested amendments to the construction permits. *Prolog*

our conclusions in Section 23.0
Financial Qualifications of the Applicants

The Texas Utilities Generating Company submitted two separate requests for amendments to the construction permits as describe above. The NRC staff reviewed the financial qualifications of the applicants as impacted by each request in the following separate evaluations.

Readjustment of Comanche Peak Ownership Interests

By letter dated April 28, 1980, Texas Utilities Generating Company (TUGCO) requested NRC's approval to transfer 5 percent of the Comanche Peak ownership from Dallas Power and Light Company (DPL) to Texas Electric Service Company (TESCO) - 2.5 percent, and the Texas Power and Light Company (TPL) - 2.5 percent. The total ownership of the station before and after the transfer would be as follows:

	<u>Current</u>	<u>Revised</u>
Texas Utilities Generating Co.	0%	0%
Dallas Power and Light Co.	23-1/3%	18-1/3%
Texas Power and Light Co.	33-1/3%	35-5/6%
Texas Electric Service Co.	33-1/3%	35-5/6%
Texas Municipal Power Agency	6-1/5%	6-1/5%
Brazos Electric Power Coop., Inc.	3-4/5%	3-4/5%
Total	100%	100%

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TUGCO, while having no ownership interest in the project, acts as agent for all the participants in matters relating to the design, construction and operation of the project as well as all aspects of NRC licensing and regulation. After NRC approval of the ownership transfer the participants will amend their Joint Ownership Agreement in accordance with the revised percentages. The participants will continue to make periodic payments on a monthly basis for their revised pro-rata shares of construction costs.

DPL, as well as the two participants proposing to increase their ownership interests (TESCO and TPL) are wholly-owned subsidiaries of Texas Utilities Company, a utility holding company. The financial plans of all four companies, including provisions for financing Comanche Peak are closely intertwined and closely coordinated among these participants. Accordingly, the proposed transfer is administrative in nature and is relatively insignificant from the financial qualifications standpoint. Nonetheless a brief financial review of the companies proposing increased ownership shares is useful.

Revenues/Net Income (Millions)

<u>TESCO</u>				
<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>
\$666/\$121	\$534/\$86	\$502/\$85	\$384/\$68	\$317/\$68
<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>
\$992/\$162	\$810/\$129	\$743/\$123	\$645/\$105	\$494/\$83

The first mortgage bonds of TESCO and TPL are rated "AAA," highest quality, by both major securities rating firms, Moody's Investors Service, Inc., and Standard and Poor's Corporation. In addition, both participants enjoy a very favorable economic regulatory environment which is an important factor in their ability to finance the construction of a utility plant.

In accordance with the provisions of 10 CFR 50.33(f) and Appendix C to 10 CFR Part 50, we have concluded that TESCO and TPL are financially qualified to finance the revised, additional ownership shares in the Comanche Peak Steam Electric Station as described above. There is reasonable assurance that TESCO and TPL can obtain the funds to finance the proposed additional shares in the facility.

Financial Qualifications of Tex-La Electric Cooperative of Texas, Inc.

Summary

By application dated May 28, 1981, the current co-owners of Comanche Peak

OFFICE	Unit 1 & 2, applied to amend the construction permits to allow Texas Power					
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and Light Company to sell a 4-1/3 percent ownership interest in the facility to Tex-La Electric Cooperative of Texas, Inc. (Tex-La). With this sale, the ownership interests of the applicants would be as follows:

Dallas Power and Light Company	18-1/3%
Texas Electric Service Company	35-5/6%
Texas Power and Light Company	31-1/2%
Texas Municipal Power Agency	6-1/5%
Brazos Electric Power Cooperative, Inc.	3-4/5%
Tex-La Electric Cooperative of Texas, Inc	4-1/3%

Tex-La is a membership generating and transmission electric cooperative recently organized under the Texas Electric Cooperative Act. It will provide power to its seven member distribution cooperatives: Deep East Texas Electric Cooperative, Houston County Electric Cooperative, Jasper-Newton Electric Cooperative, Sam Houston Electric Cooperative, Rusk County Electric Cooperative, Cherokee County Electric Cooperative and Wood County Electric Cooperative. Tex-La's service area is bordered on the East by the Texas-Louisiana state lines and extends Southwest from Dallas, Texas to just North of Houston.

In addition to the May 28, 1981 application, the applicants also filed additional information in response to the staff's request that describes in detail the financial arrangements that have been made for the proposed transfer.

Since the date of the applicants' request to amend the construction permits, Tex-La's plan for financing its full ownership share has virtually been realized. On August 3, 1981, the U.S. Rural Electrification Administration issued a \$180 million loan guarantee commitment notice to Tex-La, an amount substantially in excess of Tex-La's estimated total capital contribution to the subject facility (\$135 million). Because this REA commitment for the loan guarantee is already in effect, Tex-La has satisfied NRC's financial qualifications requirements, as described below. The only remaining actions necessary to transfer the ownership interest to Tex-La are execution of loan documents, execution of joint ownership and wholesale power agreements, and issuance of NRC amendments.

NRC Financial Qualifications Requirements

The NRC regulations relating to the determination of an applicant's financial qualifications are Section 50.33(f) and Appendix C to 10 CFR Part 50. These regulations state that there must be reasonable assurance that the applicant can obtain the funds to design and construct the plant including the initial fuel core. In Public Service Company of New Hampshire, et. al. - (Seabrook Station, Units 1 and 2) / NRC 1 at 18, CLI-78-1 (1978) the Commission interpreted

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✓ the reasonable assurance standard by stating that, "~~---~~ a 'reasonable assurance' does not mean a demonstration of near certainty that an applicant will never be pressed for funds in the course of construction. It does mean that the applicant must have a reasonable financing plan in the light of relevant circumstances." Due to the *advanced* state of Tex-La's financial arrangements for the full amount of its participation in Comanche Peak (i.e., receipt of the REA loan guarantee commitment notice) Tex-La has demonstrated a reasonable financing plan in the light of relevant circumstances.

Conclusion

In accordance with the provisions of 10 CFR 50.33(f) and Appendix C to 10 CFR Part 50, Tex-La Electric Cooperative of Texas, Inc. has demonstrated reasonable assurance that it can obtain the funds to purchase a 4-1/3 percent ownership interest in Comanche Peak. Accordingly, Tex-La is financially qualified under the provisions of the above regulations to purchase such an interest. Tex-La is required to submit copies of the executed joint ownership agreement as a condition subsequent to issuance of the construction permit amendments.

Common Defense and Security

✓ The application for amendment states that Tex-La is not owned, controlled or dominated by an alien, a foreign corporation or a foreign government. In the application for amendments, Tex-La agrees that it will not permit any individual to have access to Restricted Data until the Civil Service Commission shall *Office of Personnel Management* have made an investigation and a report to the NRC on the character associations and loyalty of such individual, and the NRC shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security. On the basis of the above statement and agreement, we conclude that the issuance of the requested amendments to the construction permit *←* adding the above utility as co-applicant will not be inimical to the common defense and security. Further, we find that our conclusion (7) regarding common defense and security in Section 21.0 of the Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2 will not be altered by the issuance of the requested amendments to the construction permits.

SUMMARY OF THE SAFETY EVALUATION

We have examined the impact on safety considerations of amending Construction Permits CPPR-126 and CPPR-127 to readjust the ownership interests and to add Tex-La as a co-applicant and co-owner of undivided shares in the Comanche Peak Steam Electric Station, Units 1 and 2. We have concluded that:

1. The requested amendments, will not result in safety significant design changes to the facility,

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and security

2. The co-applicants TESCO and TPL are financially qualified to finance the proposed additional ownership interests, and Tex-La is financially qualified to participate as described in the design and construction of the facility; and

3. The requested amendments will not endanger the common defense and security.

On the basis of the above ^{approving} conclusions, we find that the issuance of the requested amendments ~~accepting~~ the transfer of ownership interests between DPL, TESCO and TPL, and the admission of Tex-La as a co-applicant will not be inimical to the health and safety of the public, and that our conclusion ~~is~~ ^{regarding} ~~the~~ ^{the} ~~matter~~ in Section 21.0 of the Safety Evaluation of the Comanche Peak Steam Electric Station, Units 1 and 2 will remain unaltered. Further, we find that the requested amendments do not involve a significant hazards consideration because this action will not involve a significant increase in the probability or consequences of an accident, and this action will not involve a significant decrease in safety margin.

and our
conclusion
and
Section 23.0

Reports
related
to

Spottswood B. Burwell, Project Manager
Licensing Branch No. 1
Division of Licensing

B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing

Dated: ~~September~~ , 1981

OFFICE							
SURNAME	Burwell	Youngblood					
DATE							

ENVIRONMENTAL IMPACT APPRAISAL

BY THE DIVISION OF LICENSING

SUPPORTING AMENDMENTS NO. 4 TO CPPR-126 AND CPPR-127

RELATING TO CHANGE IN OWNERSHIP INTEREST IN

COMANCHE PEAK STEAM ELECTRIC STATION UNIT NOS. 1 AND 2

DOCKET NOS. 50-445 AND 50-446

Description of the Proposed Action

By a letter, dated May 28, 1981, Texas Utilities Generating Company (TUGCO) filed a request with the Nuclear Regulatory Commission to reflect additional ownership interest in the Comanche Peak Steam Electric Station, Unit Nos. 1 and 2 (the Station). The action proposed by the permittee is the issuance of amendments to Construction Permits CPPR-126 and CPPR-127 that would specify the Tex-La Electric Cooperative of Texas, Incorporated (Tex-La) as an additional co-owner of the Station. At this time, Station ownership rests with Dallas Power & Light Company (DP&L), Texas Power & Light Company (TP&L), and Texas Electric Service Company (TESCO), Texas Municipal Power Agency (TMPA) and the Brazos Electric Power Cooperative, Incorporated (BEPC). The amendments would reduce the TPL interest to 31-1/2% and assign a 4-1/3% interest to Tex-La. TUGCO, the present holder of Construction Permits CPPR-126 and CPPR-127, will retain exclusive responsibility for the design, construction, operation, and maintenance of the Station, and will act as agent for all owners in connection with all aspects of NRC licensing and regulation.

The staff's Final Environmental Statement (FES) relating to construction of the Station was published in June 1974. The Final Environmental Statement related to operation of the Station was issued in September 1981.

Environmental Impact of the Proposed Action

Tex-La is a generation and transmission cooperative which has been organized to engage in rural electrification for its members, Deep East Texas Electric Cooperative, Houston County Electric Cooperative, Jasper-Newton Electric Cooperative, Sam Houston Electric Cooperative, Rusk County Electric Cooperative, Cherokee County Electric Cooperative and Wood County Electric Cooperative.

In a letter, dated September 16, 1981, the Texas Utilities Generating Company stated, "there will be no addition or modified transmission facilities as a result of Tex-La Electric Cooperative of Texas, Inc. (Tex-La) becoming part owner of Comanche Peak and there will be no changes in plant design as a result of Tex-La becoming part owner of Comanche Peak."

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Conclusion and Basis for Negative Declaration

On the basis of the foregoing information, the NRC concludes that there will be no environmental impacts resulting from the proposed action in addition to those impacts predicted and evaluated in the Commission's Final Environmental Statements issued in June 1974 and September 1981. Having reached this conclusion, the staff has further concluded that no environmental impact statement for the proposed action need be prepared, and that a negative declaration to this effect is appropriate.

Dated: September 30, 1981

OFFICE	DL/LB#1						
SURNAME	S. Burwell						
DATE	9/30/81						

NEGATIVE DECLARATION

SUPPORTING AMENDMENTS NO. 4 TO CPPR-126 AND CPPR-127

RELATED TO CHANGE IN OWNERSHIP INTERESTS

COMANCHE PEAK STEAM ELECTRIC STATION UNITS NOS. 1 AND 2

TEXAS UTILITIES GENERATING COMPANY, ET AL.

DOCKET NOS. 50-445 AND 50-446

The U. S. Nuclear Regulatory Commission (the Commission) has reviewed the amendments to Construction Permits CPPR-126 and CPPR-127 relating to changes in ownership interests in the Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, located in Somervell County, Texas. The construction permits are issued to the Texas Utility Generating Company. The amendments would include the Tex-La Electric Cooperative of Texas, Incorporated, as a co-owner of the facility with the present owners.

In accordance with 10 CFR Part 51, the Commission's staff has prepared an environmental impact appraisal (EIA) for the amendment. The Commission has concluded that an environmental impact statement for this action is not warranted, because there will be no adverse environmental impacts affecting the quality of the human environment attributable to the proposed action that would be in addition to those impacts evaluated in the Commission's Final Environmental Statement for Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, issued in June 1974; or in the Commission's Final Environmental Statement related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, NUREG-0775, issued in September 1981. A negative declaration is, therefore, appropriate.

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The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the local public document room located at the Somervell County Public Library, P. O. Box 417, Glen Rose, Texas. A copy of the EIA may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September 1981.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing

OFFICE	DL/LB#1	DL/LB#1				
SURNAME	SBurwell	BJYoungblood				
DATE	9/30/81	9/30/81				

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NOS. 50-445 AND 50-446

TEXAS UTILITIES GENERATING COMPANY

DALLAS POWER AND LIGHT COMPANY

TEXAS ELECTRIC SERVICE COMPANY

TEXAS POWER AND LIGHT COMPANY

TEXAS MUNICIPAL POWER AGENCY

BRAZOS ELECTRIC POWER COOPERATIVE, INC.

TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

NOTICE OF ISSUANCE OF AMENDMENTS TO CONSTRUCTION PERMITS

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Construction Permit No. CPPR-126 and Amendment No. 4 to Construction Permit No. CPPR-127. The amendment reflects a readjustment of ownership interests among previous owners and the addition of a new co-owner of the Comanche Peak Steam Electric Station, Units 1 and 2 (the facilities). Previously, the construction permits were held by Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Texas Municipal Power Agency and Brazos Electric Power Cooperative, Inc. Amendment No. 4 adds as a co-owner the Tex-La Electric Cooperative of Texas, Inc. Texas Utilities Generating Company has sole responsibility for the design, construction, and operation of the facilities, which are located in Somervell County, Texas.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's

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rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendments.

Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1980, (2) the application for amendment dated May 28, 1981 and supplementary information dated July 27, 1981 and September 16, 1981, (3) Amendment No. 4 to Construction Permit No. CPPR-126, (4) Amendment No. 4 to Construction Permit No. CPPR-127, (5) the Commission's related Safety Evaluation, (6) the Environmental Impact Appraisal and (7) the Negative Declaration supporting the amendments to the construction permits. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Somervell County Public Library, On the Square, Glen Rose, Texas 76043. In addition, a copy of the above items (3), (4), (5), (6) and (7) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 30th day of September 1981.

FOR THE NUCLEAR REGULATION COMMISSION

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B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing

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DISTRIBUTION FOR COMANCHE PEAK AMENDMENT NO. 3 TO CPPR-126 & CPPR-127

Docket Files

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IE (3)

TBarnhart (4 per docket)

JPetersen, SP

AToalston, DE

MPA

RDiggs, ADM

ACRS (16)

