

Docket Nos. 50-445
and 50-446

July 15, 1994

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

Dear Mr. Cahill:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY
OPERATING LICENSES AND OPPORTUNITY FOR HEARING - COMANCHE PEAK STEAM
ELECTRIC STATION, UNITS 1 AND 2 (M89417 AND M89418)

The Commission has requested the Office of the Federal Register to
publish the enclosed "Notice of Consideration of Issuance of Amendment to
Facility Operating License and Opportunity for a Hearing." This notice
relates to your application for amendment dated April 22, 1994, which
requested a change to the Technical Specifications to allow the use of fuel
enrichments up to 5.0 weight percent U-235.

Sincerely,

ORIGINAL SIGNED BY:
Thomas A. Bergman, Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
See next page

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DATE	7/14/94	7/14/94	7/16/94
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 15, 1994

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TU Electric
400 North Olive Street, L.B. 81
Dallas, Texas 75201

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OPERATING LICENSES AND OPPORTUNITY FOR HEARING - COMANCHE PEAK STEAM
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Sincerely,


Thomas A. Bergman, Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
See next page

Mr. William J. Cahill, Jr.
TU Electric Company

Comanche Peak, Units 1 and 2

cc:

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 1029
Granbury, Texas 76048

Chief, Texas Bureau of Radiation
Control
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Honorable Dale McPherson
County Judge
P. O. Box 851
Glen Rose, Texas 76043

Mrs. Juanita Ellis, President
Citizens Association for Sound Energy
1426 South Polk
Dallas, Texas 75224

Mr. Roger D. Walker, Manager
Regulatory Affairs for Nuclear
Engineering Organization
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Texas Utilities Electric Company
c/o Bethesda Licensing
3 Metro Center, Suite 610
Bethesda, Maryland 20814

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Suite 1000
Washington, D.C. 20036

UNITED STATES NUCLEAR REGULATORY COMMISSIONTEXAS UTILITIES ELECTRIC COMPANYDOCKET NOS. 50-445 AND 50-446NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-87 and NPF-89, issued to Texas Utilities Electric Company (the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES) Units 1 and 2, located in Somervell County, Texas.

The proposed amendments would change the technical specifications to allow the use of fuel enrichments up to 5.0 weight percent U-235. The present maximum enrichment allowed is 4.3 weight percent.

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

By August 31, 1994, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

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

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the

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

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

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is

requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William D. Beckner, Director, Project Directorate IV-1: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, NW., Suite 1000, Washington, D.C. 20336, attorney for the licensee.

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

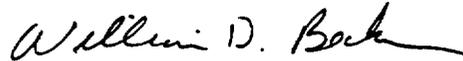
If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance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

For further details with respect to this action, see the application for amendment dated April 22, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street,

N.W., Washington, DC 20555, and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 15th day of July 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



William D. Beckner, Director
Project Directorate IV-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation