

August 31, 1999

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 -
ISSUANCE OF AMENDMENTS RE: CHANGE IN CORPORATE NAME FROM
"TEXAS UTILITIES ELECTRIC COMPANY" TO "TXU ELECTRIC COMPANY"
(TAC NOS. MA5551 AND MA5552)

Dear Mr. Terry:

The Commission has issued the enclosed Amendment No. 68 to Facility Operating License No. NPF-87 and Amendment No. 68 to Facility Operating License No. NPF-89 for the Comanche Peak Steam Electric Station, Units 1 and 2, respectively. The amendments consist of changes to the Operating Licenses in response to your application dated May 14, 1999.

The amendments change the licenses to accurately reflect the new legal name of the licensee, "TXU Electric Company." The former corporate name "Texas Utilities Electric Company" which has been replaced appeared on pages 1 through 6 and on the title pages of Appendices "B" and "C" of the Facility Operating Licenses for both units.

A copy of our related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,

ORIGINAL SIGNED BY

NRC FILE CENTER COPY

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

Docket Nos. 50-445 and 50-446

Enclosures:

1. Amendment No. 68 to NPF-87
2. Amendment No. 68 to NPF-89
3. Safety Evaluation

DISTRIBUTION

Docket File

PUBLIC

PDIV-1 Reading

W.Beckner,TSB

L.Hurley,RIV

R.Scholl (RFS, SE only)

SRichards (cover ltr only)

OGC

ACRS

G.Hill (4)

K.Brockman,RIV

J.Kilcrease,RIV

cc w/encls: See next page

*SEE PREVIOUS CONCURRENCE

** NO LEGAL OBJECTION W/CHANGES

To receive a copy of this document, indicate "C" in the box						
OFFICE	PDIV-1/PM	PDIV-1/LA	BC:RGEB*	OGC**	PDIV-1/SC	C
NAME	DJaffe	LBerry	CACarpenter	SHom	RGramm	
DATE	8/16/99	7/15/99	7/6/99	7/21/99	8/10/99	

DOCUMENT NAME: G:\PDIV-1\ComanchePeak\AMDA5551.WPD

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PDR ADDCK 05000445
PDR

Comanche Peak Steam Electric Station

cc:

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 2159
Glen Rose, TX 76403-2159

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

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

Mr. Roger D. Walker
Regulatory Affairs Manager
TXU Electric
P. O. Box 1002
Glen Rose, TX 76043

George L. Edgar, Esq.
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, DC 20036-5869

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

Office of the Governor
ATTN: John Howard, Director
Environmental and Natural
Resources Policy
P. O. Box 12428
Austin, TX 78711

Arthur C. Tate, Director
Division of Compliance & Inspection
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Jim Calloway
Public Utility Commission of Texas
Electric Industry Analysis
P. O. Box 13326
Austin, TX 78711-3326



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

TEXAS UTILITIES ELECTRIC COMPANY

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 1

DOCKET NO. 50-445

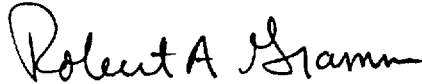
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 68
License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Texas Utilities Electric Company (TU Electric, the licensee) dated May 14, 1999, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment 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;
 - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to Facility Operating License No. NPF-87 as indicated in the attachment to this license amendment.
3. The license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Gramm, Chief, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to Facility Operating
License No. NPF-87

Date of Issuance: August 31, 1999



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

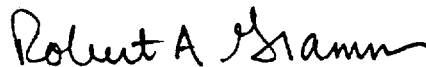
TEXAS UTILITIES ELECTRIC COMPANY
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 2
DOCKET NO. 50-446
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 68
License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Texas Utilities Electric Company (TU Electric, the licensee) dated May 14, 1999, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment 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;
 - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to Facility Operating License No. NPF-89 as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Gramm, Chief, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to Facility Operating
License No. NPF-89

Date of Issuance: August 31, 1999

ATTACHMENT TO LICENSE AMENDMENT NOS. 68 AND 68

FACILITY OPERATING LICENSE NOS. NPF-87 AND NPF-89

DOCKET NOS. 50-445 AND 50-446

Replace the following pages of the Facility Operating Licenses NPF-87 and NPF-89 with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Pages 1 - 6

Title page of the
Environmental
Protection Plan

Title page of the
Antitrust Conditions

Insert

Pages 1 - 6

Title page of the
Environmental
Protection Plan

Title page the
Antitrust Conditions

Comanche Peak

Unit No. 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

TXU ELECTRIC COMPANY, ET. AL.*

DOCKET NO. 50-445

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1

FACILITY OPERATING LICENSE

License No. NPF-87

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for a license filed by TXU Electric Company (TXU 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: TXU Electric and Texas Municipal Power Agency. Transfer of ownership from Texas Municipal Power Agency to TXU 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.

- E. TXU 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-87 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-87 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," TXU 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) TXU 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) TXU 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) TXU 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) TXU 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

TXU Electric is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal 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. TXU 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 6.2.5 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), and 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_a prior to establishing containment integrity if air lock maintenance has been performed that could affect the air lock sealing capability.
 - (2) The facility was previously granted an exemption from the criticality monitoring requirements of 10 CFR 70.24 (see Materials License No. SNM-1912 dated December 1, 1988 and Section 9.1.1 of Supplement 22 to the Safety Evaluation Report 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 schedular 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 schedular 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), TXU 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 TXU 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, TXU 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, TXU 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), TXU 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 TXU 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, TXU Electric must institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
 - (3) TXU 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 TXU Electric.
- G. TXU 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 24, subject to the following provision:
- TXU 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. TXU 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-126, issued August 25, 1988, authorized the transfer of 6.2% ownership interest in the facility from Texas Municipal Power Agency to TXU 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

original signed by:

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices:

- 1. Appendix A - Technical Specifications (NUREG-1399)
- 2. Appendix B - Environmental Protection Plan
- 3. Appendix C - Antitrust Conditions

Date of Issuance: April 17, 1990

APPENDIX B
TO FACILITY OPERATING LICENSE NO. NPF-87

TXU ELECTRIC COMPANY
COMANCHE PEAK STEAM ELECTRIC STATION UNIT 1
DOCKET NO. 50-445

ENVIRONMENTAL PROTECTION PLAN
(NON RADIOLOGICAL)

APPENDIX C

TO

FACILITY OPERATING LICENSE NO. NPF-87
COMANCHE PEAK STEAM ELECTRIC STATION

UNIT 1

TXU ELECTRIC COMPANY

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.

Comanche Peak

Unit No. 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

TXU ELECTRIC COMPANY, ET. AL.*

DOCKET NO. 50-446

COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

FACILITY OPERATING LICENSE

License No. NPF-89

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for a license filed by TXU Electric Company (TXU 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. 2 (the facility), has been substantially completed in conformity with Construction Permit No. CPPR-127 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;
 - E. TXU 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;

*The current owners of the Comanche Peak Steam Electric Station are: TXU Electric Company and Texas Municipal Power Agency. Transfer of ownership from Texas Municipal Power Agency to TXU Electric Company was previously authorized by Amendment No. 8 to Construction Permit CPPR-127 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.

- 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-89 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. Pursuant to approval by the Nuclear Regulatory Commission at a meeting on April 6, 1993, the License for Fuel Loading and Low Power Testing, License No. NPF-88, issued on February 2, 1993, is superseded by Facility Operating License No. NPF-89 hereby issued to the licensees, to read as follows:
- A. This license applies to the Comanche Peak Steam Electric Station, Unit No. 2, 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 licensee's Final Safety Analysis Report, as supplemented and amended, and the licensee's 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 of Production and Utilization Facilities," TXU 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 of 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) TXU 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) TXU 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) TXU 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) TXU 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

TXU Electric is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal 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. TXU 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:
- (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 6.2.5.1 of Supplement 26 to the Safety Evaluation Report dated February 1993. The staff's environmental assessment was published on January 19, 1993 (58 FR 5036). 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 2 is hereby granted an exemption from the cited requirement and instead, is required to perform the overall air lock leak test at pressure P_a prior to establishing containment integrity if air lock maintenance 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-1986 dated April 24, 1989 and Section 9.1.1 of SSER 26 dated February 1993.) The staff's environmental assessment was published on January 19, 1993 (58 FR 5035). The Comanche Peak Steam Electric Station, Unit 2 is hereby exempted from the criticality monitoring provisions of 10 CFR 70.24 as applied to fuel assemblies held under this license.
- E. With the exception of 2.C(2) and 2.C(3), TXU 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 followup in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).
- F. In order to ensure that TXU Electric will exercise the authority as the surface landowner in a timely manner and that the requirements of 10 CFR 100.3 (a) are satisfied, this license is subject to the additional conditions specified below: (Section 2.1, 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, TXU 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, TXU 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), TXU 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 TXU 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, TXU Electric must immediately institute immediately effective condemnation proceedings to obtain the mineral rights in this area.
 - (3) TXU 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 TXU Electric.
- G. TXU 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 87 and as approved in the SER (NUREG-0797) and its supplements through SSER 27, subject to the following provision:
 - TXU 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. TXU 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 January 14, 1993; "Comanche Peak Steam Electric Station Security Training and Qualification Plan" with revisions submitted through June 10, 1991; and "Comanche Peak Steam Electric Station Safeguards Contingency Plan" with revisions submitted through December 1988.
- 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. 8 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 TXU 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 2, 2033.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices:

1. Appendix A - Technical Specifications (NUREG-1468)
2. Appendix B - Environmental Protection Plan
3. Appendix C - Antitrust Conditions

Date of Issuance: April 6, 1993

APPENDIX B
TO FACILITY OPERATING LICENSE NO. NPF-89

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

ENVIRONMENTAL PROTECTION PLAN
(NON RADIOLOGICAL)

APRIL 6, 1993

APPENDIX C

TO

FACILITY OPERATING LICENSE NO. NPF-89
COMANCHE PEAK STEAM ELECTRIC STATION

UNIT 2

TXU ELECTRIC COMPANY

DOCKET NO. 50-446

ANTITRUST CONDITIONS*

LICENSE CONDITIONS FOR COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2

*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.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 68 AND 68 TO

FACILITY OPERATING LICENSE NOS. NPF-87 AND NPF-89

TEXAS UTILITIES ELECTRIC COMPANY

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By application dated May 14, 1999, Texas Utilities Electric Company (TU Electric/the licensee) requested changes to the Facility Operating Licenses (FOLs) for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. The proposed changes would revise the FOLs to incorporate the new corporate name of the licensee, "TXU Electric Company."

2.0 BACKGROUND

The licensee's May 14, 1999, application stated that:

On May 14, 1999, the Board of Directors of Texas Utilities Electric Company (TU Electric) will meet to approve a change in the name of the corporation from "Texas Utilities Electric Company" to "TXU Electric Company." The sole shareholder will approve the name change simultaneously therewith. Upon approval of the name change by all necessary corporate action, TU Electric will file assumed name certificates with the Office of the Secretary of State of Texas and the Dallas County (Texas) Clerk, Office of the Recorder, in order to conduct business under the new name. Within several business days after the filing of the assumed name certificates, TU Electric will file Articles of Amendment to its Articles of Incorporation in order to effectuate the name change with the Secretary of State of Texas. The name change will be effective upon the filing and acceptance of the Articles of Amendment by the Texas Secretary of State. The corporate name is being changed for commercial reasons.

When the FOLs for CPSES, Units 1 and 2, were issued, the only owners of CPSES, Units 1 and 2, were the licensee and the Texas Municipal Power Agency. A transfer of Texas Municipal Power Agency's ownership share to the licensee was approved by the NRC and appears as a license notation in the FOLs. As indicated by letter dated October 4, 1993, the Texas Municipal Power Agency has completed transfer of its share of ownership in CPSES, Units 1 and 2, to TU Electric. Accordingly, TU Electric is the sole owner of CPSES, Units 1 and 2.

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3.0 EVALUATION

The licensee's May 14, 1999, application stated that:

The proposed change is solely administrative in nature and involves only a corporate name change. This change is being submitted to the NRC pursuant to 10 CFR 50.90 only for the purpose of updating the affected OL [Operating License] documents. The proposed change does not alter any technical content of the OLs or any technical content of the CPSES Technical Specifications requirements, nor does it have any programmatic effect on the TU Electric Operational Quality Assurance Program for CPSES. The change will have no impact on the design, function or operation of any plant structure, system or component, either technically or administratively. TU Electric does not anticipate that this corporate name change will require the approval of any Texas agency.

In view of the preceding statements, the NRC staff believes that the proposed amendments are administrative in nature and no substantive changes to the licensee's arrangements or ability to own, operate, or decommission CPSES, Units 1 and 2, will result from amending the licenses to reflect the name change. No transfer of the licenses is being proposed in the application. The NRC staff, therefore, concludes that the amendments to the FOLs to reflect the corporate name change of the licensee, from "Texas Utilities Electric Company" to "TXU Electric Company," are acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Texas State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact have been prepared and published in the Federal Register on August 9, 1999 (64 FR 43229). Accordingly, based upon the environmental assessment, the NRC staff has determined that the issuance of these amendments will not have a significant effect on the quality of the human environment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: D. H. Jaffe

Date: August 31, 1999