

November 18, 1988

Docket No. 50-446

Mr. William G. Council
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Council:

SUBJECT: ORDER EXTENDING THE LATEST CONSTRUCTION COMPLETION
DATE OF COMANCHE PEAK UNIT 2

In response to your request of April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Nuclear Regulatory Commission has issued an Order extending the latest construction completion date for Comanche Peak Steam Electric Station, Unit 2. The Order extends the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992.

A copy of the Order granting the extension and the staff's evaluation of the request are enclosed for your information. The Order has been forwarded to the Office of the Federal Register for publication. The Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on October 25, 1988 (53 FR 43055).

Sincerely,

Original Signed by:

C. I. Grimes

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Special Projects

Enclosures:

1. Order
2. Evaluation

cc w/enclosures:
See next page

DISTRIBUTION

Docket File
NRC PDR
Local PDR
OSP Reading
CPPD Reading
JPartlow
CGrimes
PMcKee
JHWilson

JLyons
RWarnick
MMalloy
FAshe
GGower
DNorkin
CWilliams
DCrutchfield
EJordan

BGrimes
DMcCaughey
TBarnhart (4 cys)
ACRS(10)
GPA/PA
JGilliland (RIV/PA)
SECY
ARM/LFMB

*see previous page for concurrence

CPPD:OSP	AD:CPPD:OSP	OGC
MMalloy*:cm	JHWilson*	JMoore*
10/31/88	11/1/88	11/8/88

NRR	DD:CPPD:OSP
DCrutchfield*	PFMcKee*
11/10/88	11/1/88

D:CPPD:OSP	D:OSP
CIGrimes*	JGPartlow
11/10/88	11/1/88

8811230199 881118
PDR ADUCK 05000446
A FDC

m. m.

DFol
11

C/P 3

Docket No. 50-446

Mr. William G. Council
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Council:

SUBJECT: ORDER EXTENDING THE LATEST CONSTRUCTION COMPLETION
DATE OF COMANCHE PEAK UNIT 2

In response to your request of April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Nuclear Regulatory Commission has issued an Order extending the latest construction completion date for Comanche Peak Steam Electric Station, Unit 2. The Order extends the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992.

A copy of the Order granting the extension and the staff's evaluation of the request are enclosed for your information. The Order has been forwarded to the Office of the Federal Register for publication. The Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on October 25, 1988 (53 FR 43055).

Sincerely,

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Special Projects

Enclosures:

1. Order
2. Evaluation

cc: w/enclosures:
See next page

DISTRIBUTION

Docket File
NRC PDR
Local PDR
OSP Reading
CPPD Reading
JPartlow
CGrimes
PMcKee
JHWilson

JLyons
RWarnick
MMalloy
FAshe
GGower
DNorkin
CWilliams
DCrutchfield
EJordan

BGrimes
DMcCaughy
TBarnhart (4 cys)
ACRS(10)
GPA/PA
JGilliland (RIV/PA)
SECY
ARM/LFMB

CPPD:OSP
MMalloy:cm
10/31/88

AD:CPPD:OSP
JHWilson
11/1/88

OGC
JMoore
10/8/88

DI:CPPD:OSP
PMcKee
10/1/88

D:CPPD:OSP
CIGrimes
10/10/88

ADP:NR
DCrutchfield
11/10/88

D:OSP
JGPartlow
11/ /88

November 18, 1988

Docket No. 50-446

Mr. William G. Council
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Council:

SUBJECT: ORDER EXTENDING THE LATEST CONSTRUCTION COMPLETION
DATE OF COMANCHE PEAK UNIT 2

In response to your request of April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Nuclear Regulatory Commission has issued an Order extending the latest construction completion date for Comanche Peak Steam Electric Station, Unit 2. The Order extends the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992.

A copy of the Order granting the extension and the staff's evaluation of the request are enclosed for your information. The Order has been forwarded to the Office of the Federal Register for publication. The Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on October 25, 1988 (53 FR 43055).

Sincerely,

Original Signed by:

C. I. Grimes

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Special Projects

Enclosures:

1. Order
2. Evaluation

cc w/enclosures:
See next page

DISTRIBUTION

Docket File
NRC PDR
Local PDR
OSP Reading
CPPD Reading
JPartlow
CGrimes
PMcKee
JHWilson

JLyons	BGrimes
RWarnick	DMcCaughey
MMalloy	TBarnhart (4 cys)
FAshe	ACRS(10)
GGower	GPA/PA
DNorkin	JGilliland (RIV/PA)
CWilliams	SECY
DCrutchfield	ARM/LFMB
EJordan	

*see previous page for concurrence

AD:CPPD:OSP	OGC
JHWilson*	JMoore*
11/1/88	11/8/88

NRR	DD:CPPD:OSP
DCrutchfield*	PFMcKee*
11/10/88	11/1/88

D:CPPD:OSP	D:OSP
CIGrimes*	JGPartlow
11/10/88	11/1/88

Docket No. 50-446

Mr. William G. Council
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Council:

SUBJECT: ORDER EXTENDING THE LATEST CONSTRUCTION COMPLETION
DATE OF COMANCHE PEAK UNIT 2

In response to your request of April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Nuclear Regulatory Commission has issued an Order extending the latest construction completion date for Comanche Peak Steam Electric Station, Unit 2. The Order extends the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992.

A copy of the Order granting the extension and the staff's evaluation of the request are enclosed for your information. The Order has been forwarded to the Office of the Federal Register for publication. The Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on October 25, 1988 (53 FR 43055).

Sincerely,

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Special Projects

Enclosures:

1. Order
2. Evaluation

cc: w/enclosures:
See next page

DISTRIBUTION

Docket File
NRC PDR
Local PDR
OSP Reading
CPPD Reading
JPartlow
CGrimes
PMcKee
JHWilson

JLyons
RWarnick
MMalloy
FAshe
GGower
DNorkin
CWilliams
DCrutchfield
EJordan

BGrimes
DMcCaughey
TBarnhart (4 cys)
ACRS(10)
GPA/PA
JGilliland (RIV/PA)
SECY
ARM/LFMB

CPPD:OSP
MMalloy:cm
10/31/88

AD:CPPD:OSP
JHWilson
11/1/88

OGC
JMoore
10/28/88

DD:CPPD:OSP
PMcKee
10/1/88

D:CPPD:OSP
CGrimes
10/10/88

ADP:NR
DCrutchfield
11/10/88

D:OSP
JGPartlow
11/ /88



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

November 18, 1988

Docket No. 50-446

Mr. William G. Council
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Council:

SUBJECT: ORDER EXTENDING THE LATEST CONSTRUCTION COMPLETION
DATE OF COMANCHE PEAK UNIT 2

In response to your request of April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Nuclear Regulatory Commission has issued an Order extending the latest construction completion date for Comanche Peak Steam Electric Station, Unit 2. The Order extends the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992.

A copy of the Order granting the extension and the staff's evaluation of the request are enclosed for your information. The Order has been forwarded to the Office of the Federal Register for publication. The Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on October 25, 1988 (53 FR 43055).

Sincerely,

A handwritten signature in cursive script, reading "CI Grimes", is written above the typed name.

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Special Projects

Enclosures:

1. Order
2. Evaluation

cc w/enclosures:
See next page

November 18, 1988

cc w/enclosure:

Jack R. Newman, Esq.
Newman & Holtzinger, P.C.
Suite 1000
1615 L Street, N.W.
Washington, D.C. 20036

Robert A. Wooldridge, Esq.
Worsham, Forsythe, Sampels &
Wooldridge
2001 Bryan Tower, Suite 2500
Dallas, Texas 75201

Mr. Homer C. Schmidt
Director of Nuclear Services
Texas Utilities Electric Company
Skyway Tower
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Mr. R. W. Ackley
Stone & Webster
Comanche Peak Steam Electric Station
P. O. Box 1002
Glen Rose, Texas 76043

Mr. J. L. Vota
Westinghouse Electric Corporation
P. O. Box 355
Pittsburgh, Pennsylvania 15230

Susan M. Theisen
Assistant Attorney General
Environmental Protection Division
P. O. Box 12548, Capitol Station
Austin, Texas 78711-1548

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

Ms. Nancy H. Williams
CYGNA Energy Services
2121 N. California Blvd., Suite 390
Walnut Creek, CA 94596

Asst. Director for Inspec. Programs
Comanche Peak Project Division
U.S. Nuclear Regulatory Commission
P. O. Box 1029
Granbury, Texas 76048

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

Lanny A. Sinkin
Christic Institute
1324 North Capitol Street
Washington, D.C. 20002

Ms. Billie Pirner Garde, Esq.
Government Accountability Project
Midwest Office
104 East Wisconsin Avenue
Appleton, Wisconsin 54911

David R. Pigott, Esq.
Orrick, Herrington & Sutcliffe
600 Montgomery Street
San Francisco, California 94111

Anthony Z. Roisman, Esq.
Suite 600
1401 New York Avenue, NW
Washington, D.C. 20005

Robert Jablon
Bonnie S. Blair
Spiegel & McDiarmid
1350 New York Avenue, NW
Washington, D.C. 20005-4798

George A. Parker, Chairman
Public Utility Committee
Senior Citizens Alliance Of
Tarrant County, Inc.
6048 Wonder Drive
Fort Worth, Texas 76133

November 18, 1988

cc w/enclosure:

Joseph F. Fulbright
Fulbright & Jaworski
1301 McKinney Street
Houston, Texas 77010

Honorable George Crump
County Judge
Glen Rose, Texas 76043

Roger D. Walker
Manager, Nuclear Licensing
Texas Utilities Electric Company
Skyway Tower
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Honorable Milton Meyer
County Judge
Hood County Courthouse
Granbury, Texas 76048

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

William A. Burchette, Esq.
Counsel for Tex-La Electric Cooperative
of Texas
Heron, Burchette, Ruckert & Rothwell
Suite 700
1025 Thomas Jefferson Street, NW
Washington, D.C. 20007

GDS ASSOCIATES, INC.
Suite 720
1850 Parkway Place
Marietta, Georgia 30067-8237

Mr. Paul Gosselink
Attorney General's Office
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Texas Radiation Control Program Director
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Office of the Governor
ATTN: Darla Parker
Office of Intergovernmental Relations
P. O. Box 13561
Austin, Texas 78711

NUCLEAR REGULATORY COMMISSION
TEXAS UTILITIES ELECTRIC COMPANY, ET AL.
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2
DOCKET NO. 50-446
ORDER EXTENDING LATEST CONSTRUCTION COMPLETION DATE

The Texas Utilities Electric Company, Texas Municipal Power Agency, Brazos Electric Power Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. (Applicants) are holders of Construction Permit No. CPPR-127 issued by the Atomic Energy Commission^{1/} on December 19, 1974 for construction of the Comanche Peak Steam Electric Station, Unit No. 2, a nuclear facility utilizing a Westinghouse Electric Corporation nuclear steam supply system, at the Applicants' site in Somervell County, Texas.

By letter dated April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, the Applicants filed a request for extension of the latest construction completion date specified in Construction Permit No. CPPR-127 to August 1, 1992. The Applicants state that an intensive program of review and reinspection was initiated in the fall of 1984 to provide evidence of the safe design and construction of Comanche Peak Units No. 1 and No. 2. The temporary direction of resources since mid-1985 to activities under that remedial program to Unit No. 1 rather than to Unit No. 2, as well as the temporary suspension of Unit No. 2 construction for about one year beginning in April 1988 (which will

^{1/} Effective January 20, 1975, the Atomic Energy Commission was abolished and its regulatory authority transferred to the Nuclear Regulatory Commission.

88 11210439 3PR XA

allow the Applicants time to make a more complete determination of any modifications that may be required for Unit No. 2 based upon the knowledge they gain from the reinspection and corrective action program applied to Unit No. 1), have caused delays which have contributed to the need for the extension of the latest construction completion date for Unit No. 2.

The remedial program was undertaken by the Applicants to respond to issues raised by the NRC staff, the Atomic Safety and Licensing Board (ASLB), and other sources in the operating license proceeding.^{2/} Although the Applicants temporarily suspended construction of Unit No. 2, they must maintain the construction permit in effect since they have not announced termination of the facility. The Applicants anticipate that remedial program activities related to Unit No. 2 and its preparation for operation will not be complete before August 1, 1992.

As discussed more fully in the staff's related Evaluation of Request dated November 18, 1988, we have concluded that good cause has been shown for the delay and that the requested extension is for a reasonable period. We have further concluded that the requested extension involves no significant hazards consideration, and therefore, no prior public notice is required.

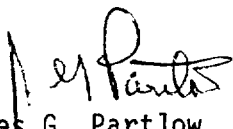
The NRC staff has prepared an Environmental Assessment and Finding of No Significant Impact which was published in the Federal Register on October 25, 1988 (53 FR 43055). The NRC staff has concluded that this action will not have a significant impact on the quality of the human environment, and therefore, no environmental impact statement need be prepared.

^{2/} The CPSES operating license proceeding was dismissed on July 13, 1988 by ASLB Memorandum and Order (Dismissing Proceedings).

The Applicants' letter dated April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, and the staff's letter and evaluation issued in support of this Order are available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555, and the local public document room at Somervell County Public Library, Glen Rose, Texas 76043.

IT IS HEREBY ORDERED that the latest construction completion date for CPPR-127 be extended to August 1, 1992.

FOR THE NUCLEAR REGULATORY COMMISSION


James G. Partlow, Director
Office of Special Projects

Dated at Rockville, Maryland
this 18th day of November 1988.



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

EVALUATION OF REQUEST FOR EXTENSION
OF THE LATEST CONSTRUCTION PERMIT COMPLETION DATE
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 2
TEXAS UTILITIES ELECTRIC COMPANY, ET AL.

DOCKET NO. 50-446

INTRODUCTION

By letter dated April 29, 1987, as supplemented on July 22, September 9, and December 3, 1987, and amended and supplemented on June 6, 1988, Texas Utilities Electric Company, Texas Municipal Power Agency, Brazos Electric Power Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. (Applicants) requested that the latest construction completion date for Comanche Peak Steam Electric Station, Unit No. 2, specified in Construction Permit No. CPPR-127, be extended to August 1, 1992.

EVALUATION

Good Cause

In their letter of April 29, 1988, Applicants state that "good cause" exists to warrant the extension requested. The intensive program of review and reinspection with respect to the design and construction of Comanche Peak Units No. 1 and No. 2, undertaken to respond to issues raised by the NRC staff in their licensing review and by the Atomic Safety and Licensing Board (ASLB) and other sources in the operating license proceeding, arises from the need to assure that all NRC regulatory requirements for design and construction have been or will be met. Although the operating licensing proceeding was dismissed on July 13, 1988,* this remedial program is not yet completed, and its completion is essential to providing the requisite assurance for Unit No. 2 as well as Unit No. 1 prior to licensing. The temporary direction of resources since mid-1985 to activities under the remedial program to Unit No. 1 rather than to Unit No. 2, as well the temporary suspension of Unit No. 2 construction for about one year beginning in April 1988 (which will allow the Applicants time to make a more complete determination of any modifications that may be required for Unit No. 2 based upon the knowledge they gain from the reinspection and corrective action program applied to Unit No. 1) have caused delays which have contributed to the need for extending the latest construction completion date for Unit No. 2. Although the Applicants temporarily suspended construction of Unit No. 2, they must maintain the construction permit in effect since they have not announced termination of the facility. In the staff's judgment, neither these matters nor their extent and

*See ASLB Memorandum and Order (Dismissing Proceedings) dated July 13, 1988.

complexity could have been foreseen when the Applicants requested and were granted a 5-year extension of the latest construction completion date for Unit No. 2 in April 1982. In fact, when the remedial program was first initiated in the fall of 1984, its scope and breadth was considerably narrower than the program that evolved and is being carried out today. This expansion has resulted in a complex program of design and hardware validation, design-hardware reconciliation, QA/QC activities, and third-party review. The staff believes the Applicants have been assiduous in their efforts to detect and correct actual and potential violation of NRC regulations and complete construction of the plant. The staff, therefore, concludes that the Applicants have demonstrated that there is good cause for the delay which warrants an extension of the construction permit for Unit No. 2.

Reasonableness of the Period of Time Requested

By letter dated June 6, 1988, the Applicants amended and supplemented their April 29, 1988 request and requested that the latest construction completion date be extended to August 1, 1992. This date was requested at a time when the operating license proceeding was still pending. This proceeding was dismissed by the ASLB Memorandum and Order (Dismissing Proceedings) on July 13, 1988. Nevertheless, the remedial program must be completed prior to Unit No. 2 licensing for operation. The Applicants contemplate completing Unit No. 2 construction and receiving an operating license before August 1, 1992, which date allows ample margin for contingencies and for flexibility of the schedule for completing the remedial program.

The staff has evaluated the Applicants' request and agrees that the period of time for which the extension of the latest construction completion date is requested is reasonable.

CONCLUSION

Because the request is merely for more time to complete construction already authorized under Construction Permit No. CPPR-127 and does not seek authorization for activities not previously authorized, it does not involve a significant increase in the probability or consequences of an accident previously evaluated, or create the possibility of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety. Accordingly, the staff has concluded that the action does not involve a significant hazards consideration and no prior notice of issuance of the extension to the latest construction completion date is necessary, in accordance with 10 CFR 50.92(a).

Based on the foregoing, the staff further concludes that, pursuant to 10 CFR 50.55(b), the Applicants have shown good cause for the delay and that the requested extension is for a reasonable period of time.

Date: November 18, 1988