

May 29, 2003

Mr. C. Lance Terry
Senior Vice President
& Principal Nuclear Officer
TXU Energy
ATTN: Regulatory Affairs
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Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - ISSUANCE
OF AMENDMENTS RE: REVISION OF OPERATING LICENSE, APPENDIX B,
ENVIRONMENTAL PROTECTION PLAN (TAC NOS. MB6794 AND MB6795)

Dear Mr. Terry:

The U. S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 104 to Facility Operating License No. NPF-87 and Amendment No. 104 to Facility Operating License No. NPF-89 for Comanche Peak Steam Electric Station, Units 1 and 2, respectively. The amendments consist of changes to Appendix B to the Facility Operating Licenses, Environmental Protection Plan (EPP), in response to your application dated November 19, 2002, as supplemented by letters dated February 5 and May 5, 2003.

The amendments revise the EPP to replace references to the U. S. Environmental Protection Agency's National Pollutant Discharge Elimination System expired permit. The amendments also contain minor changes to the EPP to be consistent with the provisions of the current Texas Pollutant Discharge Elimination System permit and the Final Environmental Statement - Operating License Stage and consolidate the Unit 1 and Unit 2 EPPs into a single document.

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,

/RA/

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

Docket Nos. 50-445 and 50-446

Enclosures: 1. Amendment No. 104 to NPF-87
2. Amendment No. 104 to NPF-89
3. Safety Evaluation

cc w/encls: See next page

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3. Safety Evaluation

cc w/encls: See next page

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*Also SE Input via memo dated 4/10/03 with changes

**See Previous Concurrence

NRR-058

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Comanche Peak Steam Electric Station

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TXU GENERATION COMPANY LP
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1
DOCKET NO. 50-445
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 104
License No. NPF-87

1. The U. S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by TXU Generation Company LP dated November 19, 2002, as supplemented by letters dated February 5 and May 5, 2003, 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 the Environmental Protection Plan as indicated in the attachment to this license amendment and paragraph 2.C.(2) of Facility Operating License No. NPF-87 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan as revised through Amendment No. 104, contained in Appendix B, are hereby incorporated into this license. TXU Generation Company LP shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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

/RA/

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

Attachment: Changes to the Environmental
Protection Plan

Date of Issuance: May 29, 2003

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

Amendment No. 104
License No. NPF-89

1. The U. S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by TXU Generation Company LP dated November 19, 2002, as supplemented by letters dated February 5 and May 5, 2003, 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 the Environmental Protection Plan as indicated in the attachment to this license amendment and paragraph 2.C.(2) of Facility Operating License No. NPF-89 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan, as revised through Amendment No. 104, contained in Appendix B, are hereby incorporated into this license. TXU Generation Company LP shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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

/RA/

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

Attachment: Changes to the Environmental
Protection Plan

Date of Issuance: May 29, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 104

TO FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 104

TO FACILITY OPERATING LICENSE NO. NPF-89

DOCKET NOS. 50-445 AND 50-446

Replace the following pages of the Unit 1 and Unit 2 Appendix B Environmental Protection Plans with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Title Page
Appendix B Table of Contents
1-1
2-1
3-1
3-2
4-1
5-2

Insert

Title Page
Appendix B Table of Contents
1-1
2-1
3-1
3-2
4-1
5-2

APPENDIX B
TO FACILITY OPERATING LICENSE NOS. NPF-87 & NPF-89

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

ENVIRONMENTAL PROTECTION PLAN
(NON RADIOLOGICAL)

Amendment No. ~~68, 90~~, 104

COMANCHE PEAK STEAM ELECTRIC STATION
UNITS 1 AND 2
ENVIRONMENTAL PROTECTION PLAN
(NON-RADIOLOGICAL)

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1.0 Objectives of the Environmental Protection Plan

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

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

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

2.0 Environmental Protection Issues

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

2.1 Aquatic Issues

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

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

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

Aquatic matters are addressed by the effluent limitations and monitoring requirements contained in the effective TPDES permit issued by the Texas Commission on Environmental Quality. The NRC will rely on this agency for regulation of matters involving water quality and aquatic biota.

2.2 Terrestrial Issues

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

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

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

3.0 Consistency Requirements

3.1 Plant Design and Operation

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

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

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

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

3.2 Reporting Related to the TPDES Permit

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

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

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

3.3 Changes Required for Compliance with Other Environmental Regulations

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

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

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

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Groundwater Levels and Station Water Use Monitoring

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

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

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

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

4.2.2 Water Treatment Facility Outages Impact Assessment and Reporting

The following outage of the onsite water treatment facility shall be reported to the NRC if groundwater is used to supplement the supply of treated surface water during the outage:

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

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

5.0 Administrative Procedures

5.1 Review and Audit

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

5.2 Records Retention

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

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

5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 Routine Reports

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

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

The Annual Environmental Operating Report shall also include:

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

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

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics; (b) describe the probable cause of the event; (c) indicate the action taken to correct the reported event; (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems; and (e) indicate the agencies notified and their preliminary responses.

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 104 TO

FACILITY OPERATING LICENSE NO. NPF-87

AND AMENDMENT NO. 104 TO

FACILITY OPERATING LICENSE NO. NPF-89

TXU GENERATION COMPANY LP

COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By application to the U. S. Nuclear Regulatory Commission (the Commission, NRC) dated November 19, 2002, as supplemented by letters dated February 5, 2003, and May 5, 2003, TXU Generation Company LP (TXU, the licensee), requested changes to the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, Facility Operating Licenses (FOLs), Appendix B, "Environmental Protection Plan" (EPP). The supplemental letters dated February 5 and May 5, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on December 24, 2002 (67 FR 78524).

The proposed changes would revise the EPP to replace references to the U.S. Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) expired permit. TXU also proposes minor changes to the EPP to be consistent with the provisions of the current Texas Pollutant Discharge Elimination System (TPDES) permit and the Final Environmental Statement - Operating License Stage (FES-OL), and consolidate the Unit 1 and Unit 2 EPPs into a single document. Specifically, the licensee is proposing: (1) to replace references to "U.S. Environmental Protection Agency (Region VI)" with "Texas Commission on Environmental Quality" and/or replace reference to NPDES with TPDES (Table of Contents and Sections 1.0, 2.1, 3.2, and 5.4.1); (2) deletion of references to "State Certification" (Table of Contents and Section 3.2); (3) deletion of reference to "the Section 316(b) demonstration requirement" (Section 2.1); and (4) clarification of the reporting of outages of the onsite water treatment facility (Section 4.2.2).

2.0 REGULATORY EVALUATION

The non-radiological EPP provides for protection of environmental parameters during operation of the station. The principal objectives of the plan are to: (1) verify the plant is operated in an environmentally acceptable manner; (2) coordinate NRC requirements and maintain consistency with other Federal, State, and local requirements for environmental protection; and (3) keep the NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

The NRC staff finds that the licensee, in Section 5 of Attachment 1 of its November 19, 2002, application appropriately identified the applicable regulatory requirements. The regulatory requirements for which the staff based its acceptance is Part 51 to Title 10 of the *Code of Federal Regulations* (10 CFR).

3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment described in Section 4 of Attachment 1 of the licensee's submittal. The evaluation below supports the conclusion that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by the operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

3.1 Permit Authority

The licensee has proposed to replace references to "U.S. Environmental Protection Agency (Region VI)" with "Texas Commission on Environmental Quality" and/or to replace reference to NPDES with TPDES in the Table of Contents and Sections 1.0, 2.1, 3.2, and 5.4.1.

The EPA has delegated environmental controls for CPSES to the State of Texas, Texas Natural Resource Conservation Commission (TNRCC), currently the Texas Commission on Environmental Quality, in accordance with the rules and regulations of both agencies. The EPA's permit for CPSES has expired and is no longer valid; the provisions of the EPA's NPDES permit have been incorporated into a TPDES permit. The changes to revise the references apply to both units.

The EPA declared that "On September 14, 1998, the Regional Administrator for the Environmental Protection Agency (EPA), Region 6, approved the application by the State of Texas to administer and enforce the National Pollutant Discharge Elimination System (NPDES) program for regulating discharges of pollutants into waters of the State," (63FR51164). This approval officially delegated the EPA's authority to the State of Texas. The State Program will be administered by TNRCC.

The change in permit authority has no impact on the environmental regulation for CPSES, as the continuing provisions contained in the expired EPA NPDES permit are renewed and continued in the current Texas TPDES permit. Accordingly, this proposed change is acceptable.

3.2 Deletion of Reference to "State Certification"

The licensee has proposed the deletion of "State Certification" in the Table of Contents and Section 3.2. The original phrase addressed here is, "NPDES permit and State Certification." If NPDES is replaced with TPDES as discussed in Section 3.1, herein, the reference to "State Certification" becomes redundant. The proposed change is editorial in nature and is acceptable.

3.3 Demonstration Study

The licensee has proposed the deletion of reference to "the Section 316(b) demonstration requirement" within Section 2.1. This requirement was an issue in the EPA's NPDES Permit last renewed on September 30, 1994. This demonstration study has been completed and was not incorporated as a requirement in the current TPDES permit for CPSES. Completion of the Section 316(b) demonstration study is documented in a letter from the EPA's Region VI Office (Reference 5 in the November 19, 2002, application). Since the study has been completed, the deletion of the reference is acceptable.

3.4 Reporting of Outages of the Onsite Water Treatment Facility

The licensee has proposed a change to clarify the reporting of outages of the onsite water treatment facility in Section 4.2.2 by revising the following phrase:

"The following outages of the onsite water treatment facility shall be reported to the NRC:" is clarified to read "The following outages of the onsite water treatment facility shall be reported to the NRC if groundwater is used to supplement the supply of treated surface water during the outage."

The revision indicates that water treatment system outage reporting is only required if groundwater is used to supplement the plant make-up system during these outages. The licensee stated in the February 5, 2003, supplement on groundwater usage that, since the issuance of the FES in 1981, TXU has installed a demineralizer water storage tank and a filtered water storage tank onsite. Each of these tanks is about 450,000 gallons in capacity. These tanks would serve as a backup supply for the surface water treatment system, and would be sufficient for several days at current average usage. As an additional backup, TXU would consider contacting a contracted mobile water treatment service, depending on the outage conditions, duration, etc. Groundwater is not suitable for untreated use as make-up to the plant. This clarification is consistent with conditions recommended by NRC staff in FES-OL Summary Conclusion 9.C, and is acceptable.

The proposed administrative changes to Section 4.2.2 would also make the EPP's description consistent with provisions of the current TPDES permit and the NRC's FES-OL and are acceptable.

3.5 Consolidation of Unit 1 and Unit 2 EPPs

The Unit 1 and Unit 2 EPPs are almost identical and differ in only two respects:

1. The title pages for the Unit 1 and Unit 2 EPPs are different. The Unit 1 EPP title page indicates that it is Appendix B to the Unit 1 FOL and only applicable to Unit 1. The Unit 2 EPP title page indicates that it is Appendix B to the Unit 2 FOL and applicable to Units 1 and 2. The licensee has proposed, for the consolidated EPP, changing the title page to indicate that the EPP is Appendix B to the Unit 1 and Unit 2 FOLs. This change to the title page does not change any requirement of the EPP and is acceptable.
2. In Section 2.1, "Aquatic Issues", the following words of explanation are contained in the Unit 1 EPP and omitted from the Unit 2 EPP: "the service water and circulating water chlorination system is no longer used at CPSES and...". These words provide some explanation as to why a provision is not applicable; however, with removal of this piece of text, the remaining explanation is still sufficient.

For the reasons cited above, the above-described changes to the EPPs are acceptable, and with these changes, the Unit 1 and Unit 2 EPPs are identical. Accordingly, with these changes, the Unit 1 and Unit 2 EPPs are consolidated into a single document that is Appendix B to the Unit 1 and Unit 2 FOLs.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The proposed changes involve recordkeeping, reporting, or administrative procedures or requirements and are unrelated to plant operation. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (67 FR 78524, published December 24, 2002). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

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.

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