

UNITED STATES NUCLEAR REGULATORY COMMISSION

TEXAS UTILITIES ELECTRIC COMPANY, ET AL.*

DOCKET NO. 50-445

NOTICE OF ENVIRONMENTAL ASSESSMENT AND FINDING OF

NO SIGNIFICANT IMPACT

The U. S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from the requirements of 10 CFR 50.33(k) and 10 CFR 50.75 to Texas Utilities Electric Company, et al. (the applicant). The exemption would apply to the facility operating license for the Comanche Peak Steam Electric Station, Unit 1 (the facility) located on the applicant's site in Somervell County, Texas.

ENVIRONMENTAL ASSESSMENT

Identification of Proposed Action: The proposed action would allow a temporary exemption from the requirements of 10 CFR 50.33(k)(1) and 10 CFR 50.75 for the operation of Comanche Peak, Unit 1, in response to the applicant's request dated July 28, 1989. The applicant has requested that it be allowed to file its

* The current owners of the Comanche Peak Steam Electric Station are: Texas Utilities Electric Company (TU Electric), Tex-La Electric Cooperative of Texas, Inc. (Tex-La), and Texas Municipal Power Agency (TMPA). Transfer of ownership from TMPA to TU Electric was previously authorized by Amendment No. 9 to Construction Permit CPPR-126 for Comanche Peak, Unit 1 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, TMPA will no longer retain any ownership interest in Comanche Peak, Unit 1. Transfer of ownership from Tex-La to TU Electric was previously authorized by Amendment No. 11 to Construction Permit CPPR-126 for Comanche Peak, Unit 1 on August 29, 1989 as set forth in the agreement attached to the application for Amendment dated May 4, 1989. At the completion thereof, Tex-La will no longer retain any ownership interest in Comanche Peak, Unit 1.

decommissioning funding report within the same time frame as is specified in 10 CFR 50.33(k)(2), that is, on or before July 26, 1990.

Need for Proposed Action: 10 CFR 50.33(k)(1) requires that each application for an operating license for a production or utilization facility include information in the form of a report, as described in 10 CFR 50.75, indicating how reasonable assurance will be provided that funds will be available to decommission the facility. 10 CFR 50.75 establishes requirements for indicating how reasonable assurance will be provided that funds will be available for decommissioning. 10 CFR 50.33(k)(2) specifies that each holder of an operating license is required to submit information in the form of a report indicating how reasonable assurance will be provided that funds will be available to decommission the facility on or before July 26, 1990. By letter dated July 28, 1989, the applicant requested a temporary exemption from the requirements of 10 CFR 50.33(k)(1) and 10 CFR 50.75 for Comanche Peak, Unit 1 and proposed to delay submittal of its decommissioning funding report until July 26, 1990. The proposed exemption is needed because there has been insufficient time for the applicant to complete all of the actions necessary to submit its decommissioning funding report as an operating license application document. The funding report and required certification are complex and require careful and deliberate financial planning. The applicant is evaluating the funding options to determine which is more appropriate. Once this decision is made, the applicant must effectuate its decision by financial instrument. If the applicant chooses to use an external sinking fund, it will need to execute one or more trust agreements. Exactly how the trust and external sinking fund would be structured would in turn depend on Internal Revenue Service and Texas Public Utility Commission

requirements. The exemption is being sought to provide the time the applicant believes is necessary to perform proper planning and provide the Commission with an accurate and informed report.

Environmental Impacts of the Proposed Action: There are no environmental impacts associated with the proposed action. The proposed exemption from 10 CFR 50.33(k)(1) and 10 CFR 50.75 will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant cumulative radiation exposure. Accordingly, the Commission concludes that the proposed exemption would result in no significant radiological environmental impact. Additionally, it does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant environmental impacts associated with the exemption.

Alternative to the Proposed Action: The Commission has concluded that there are no measurable environmental impacts associated with the proposed action. The principal alternative would be for the Commission to deny the requested exemption. This would not reduce the environmental impacts of plant operation.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in the Final Environmental Statement related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2 (NUREG-0775), dated September 1981.

Agencies and Persons Consulted: The NRC staff reviewed the applicant's request and applicable documents referenced therein that support this exemption for Comanche Peak, Unit 1. The NRC did not consult other agencies or persons in preparing this assessment.

FINDING OF NO SIGNIFICANT IMPACT

The Commission has determined that preparation of an environmental impact statement for the proposed exemption is not necessary. Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applicant's request for exemption dated July 28, 1989. This document is available for public inspection at the Commission's Public Document Room, 2120 L Street, N. W., Washington, D. C. 20555, and at the Local Public Document Room at the Somervell County Public Library on the Square, P. O. Box 1417, Glen Rose, Texas 76043. The staff's evaluation of the request will be published in the Safety Evaluation Report related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2 (NUREG-0797), Supplement No. 22, and will be available for inspection at the locations listed above.

Dated at Rockville, Maryland this 6th day of November, 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

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