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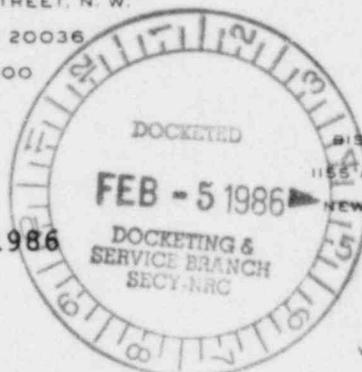
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WRITER'S DIRECT DIAL

(202)

February 4, 1986

Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: Texas Utilities Electric Co., et al.
(Comanche Peak Steam Electric Station,
Units 1 and 2); Dockets No. 50-445 and 50-446 - 06

Dear Mr. Chilk:

By a pleading dated January 31, 1986, a request for Commission action was made to the Commission by an organization known as CASE, the intervenor in the operating license proceeding for Comanche Peak Steam Electric Station, Units 1 and 2. Should the Commission decide to consider CASE's papers, Texas Utilities Electric Company, et al. ("TUEC"), the holders of permits to construct the captioned facilities wish to be heard in response to CASE's request, and would submit the following.

This matter arises in the context of TUEC's January 29, 1986, request for an extension of its construction permit for Comanche Peak Unit 1. That request seeks an extension of the construction permit effective August 1, 1985, the latest completion date presently reflected in the construction permit for Unit 1. TUEC requested that the latest completion date be extended to August 1, 1988. That this request was not filed at an earlier time was due to an administrative oversight. A copy of TUEC's request is attached hereto (Attachment).

CASE requests that the Commission take four actions, viz., (1) impose civil monetary penalties upon TUEC for having proceeded with construction activities after August 1, 1985; (2) order the cessation of construction activities until a new construction permit is issued; (3) treat TUEC's request for extension of the construction permit as a matter involving a significant hazards consideration; and (4) conduct a hearing prior to issuing the amendment to the construction permit. It should be noted that the first two

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actions are in the nature of enforcement actions committed to the NRC Staff, and that the third and fourth seek to convert operating license issues pending before the Licensing Board into construction permit issues, contrary to controlling Commission precedent regarding the proper scope of construction permit extension proceedings.

TUEC would respond to these requests, as follows. First, CASE's request to include Comanche Peak Unit 2 within the scope of Commission action sought is inappropriate. The construction permit for Comanche Peak Unit 2 is in full force and effect. It reflects a latest completion date of August 1, 1987. Accordingly, no action of the nature sought by CASE is even colorably necessary or appropriate as to Unit 2.

Second, with respect to CASE's request that civil monetary penalties be imposed, TUEC submits that the question of civil enforcement action is one that should be delegated to the NRC Staff's Office of Inspection and Enforcement for appropriate action in accordance with the Commission's Enforcement Policy (10 C.F.R. Part 2, Appendix C). TUEC will respond to any enforcement action proposed by the Staff in accordance with Subpart B of 10 C.F.R. Part 2 at the appropriate time. CASE should be required to follow the procedure in 10 C.F.R. §2.206 if it seeks enforcement action.

Third, with respect to CASE's request that construction be halted, TUEC submits that such a request also must be made in accordance with Section 2.206. On the merits, such an action is neither necessary nor appropriate in these circumstances. As indicated in TUEC's letter requesting the extension of the construction permit (see Attachment), TUEC has already suspended all physical onsite construction activities on Unit 1. Further, CASE has failed to address adequately the "threshold legal question" presented in its request for Commission action (CASE Request at 3), and has thus failed to establish a proper legal basis for its request. That threshold question (to which CASE assumes the answer) is whether TUEC's request to renew the construction permit is (1) in effect an application for a new construction permit which would carry the need for a mandatory hearing pursuant to Section 139(a)(1) of the Atomic Energy Act, 42 U.S.C. §2239, or (2) an amendment to a construction permit and thus to be issued prior to the initiation of any hearing (see Section 189 of the Act and 10 C.F.R. §50.92).

To conclude, as CASE would have it, that the permit automatically expires and is forfeited if the latest completion date is passed, even where activities under the permit are being diligently pursued, would produce an absurd

result that would be inconsistent with the underlying intent of Section 185 of the Atomic Energy Act and with controlling judicial precedent, principles of statutory construction, and constitutional due process. CASE's argument that the Atomic Energy Act and NRC regulations "unequivocally require forfeiture" of the construction permit in these circumstances is plainly in error (CASE Request at 4).

TUEC's application was filed pursuant to 10 C.F.R. §50.55(b), which provides, in relevant part:

"[U]pon good cause shown the Commission will extend the completion date [contained in a Construction Permit previously issued] for a reasonable period of time."

TUEC's legal position is set forth in its January 29, 1986 letter attached hereto. To summarize, neither 10 C.F.R. §50.55(b) nor Section 185 of the Atomic Energy Act, 42 U.S.C. §2235, requires that the extension be sought prior to the latest completion date. Nor does the statute or the regulation preclude a "good cause" finding and an extension of the permit in these circumstances. Moreover, TUEC submits that judicial authority, which CASE attempts unavailingly to distinguish, is squarely contrary to CASE's argument. Expiration of the permit can "by no means . . . be considered an automatic forfeiture of the permit." Mass Communicators, Inc. v. FCC, 266 F.2d 681, 684 (D.C. Cir.), cert. denied, 361 U.S. 828 (1959). Even in a situation where an application for an extension to a permit is filed after the expiration date of the original permit, "no automatic forfeiture takes place unless and until the Commission refuses to exercise its discretion to allow additional time for construction." Id.

Such being the case, the permit for Unit 1 has not been extinguished and forfeited due to this administrative oversight. The request for an extension of the permit now pending is not an application for a new construction permit, and thus no mandatory hearing is necessary or appropriate. Rather, it is in the nature of an amendment to a permit which involves no significant hazards consideration, and hence under the terms of NRC regulations and the Atomic Energy Act, is not subject to hearing prior to issuance of the amendment. 42 U.S.C. §2239; 10 C.F.R. §50.92.

CASE argues that a hearing on the extension request must be held prior to NRC action on the request. In the face of Commission precedent discussed below, CASE seeks to use matters already at issue in the operating license proceeding as a basis for enlarging the scope of this construction permit extension matter. CASE correctly states that a

proposed amendment to a construction permit which involves a significant hazards consideration is subject to hearing prior to issuance of the amendment. However, for all of its rhetoric and ad hominem attacks on TUEC personnel, CASE presents no reasoned analysis or argument to demonstrate that the instant construction permit extension request involves such hazards consideration. In fact, the foundation for CASE's pivotal argument on this point is a direct challenge to the Commission's holding in Matter of Washington Public Power Supply System (WPPSS Nuclear Projects Nos. 1 and 2), CLI-82-29, 16 NRC 1221, 1229 (1982). (CASE Request at 14 n.8.) The Commission's holding in that case was correct on the questions of law addressed, and CASE presents no valid basis for the Commission to reverse that holding.

The Commission stated in CLI-82-29, supra, as follows:

"We believe that the most "common sense" approach to the interpretation of section 185 and 10 CFR §50.55 is that the scope of a construction permit extension proceeding is limited to direct challenges to the permit holder's asserted reasons that show 'good cause' justification for the delay. The avenue afforded for the expression of health, safety, and environmental concerns in any pending operating license proceeding, or in the absence of such a proceeding, in a petition under 10 CFR §2.206 would be exclusive despite the pendency of a construction permit extension request." [16 NRC at 1229; footnote omitted.]

CASE's position is that technical qualifications to construct the plant, implementation of an adequate QA/QC program, and general compliance with NRC regulations governing plant construction are proper issues for a construction permit amendment proceeding. CASE's request that health and safety issues be adjudicated in a construction permit extension proceeding is inconsistent and incompatible with CLI-82-29, supra, and cannot be sustained. Thus, CASE's basis for seeking a "significant hazards consideration" determination for the construction permit extension is improper because it goes far beyond the proper scope of a construction permit extension proceeding. Accordingly, if it determines to address there matters raised by CASE, the Commission should rule that CASE's request attempts to raise issues that are impermissible in a construction permit extension proceeding and thus should deny the request outright.

CASE's last request is tied to its argument that the extension request involves "significant hazards consideration" and thus necessitates a hearing prior to issuance of the permit. CASE suggests that the issue is "whether there are legitimate issues that relate to significant hazards, thus requiring a notice of hearing under §2.105." CASE Request at 12. Again, CASE fails to relate its request to the Commission's prescribed scope of construction permit extension proceedings. As noted above, that scope is limited to the question of the "good cause" justification for the delay in construction that necessitated an extension of the permit.

The only potential hazard adverted to in CASE's pleading is one that would ensue only from operation of the facility -- and operation cannot occur until the NRC has determined, inter alia, that Comanche Peak Unit 1 has been constructed in conformity with the construction permit, the provisions of the Act, and the rules and regulations of the Commission (10 C.F.R. §50.57(a)(1)) and that there is reasonable assurance that the facility can be operated without endangering the health and safety of the public (10 C.F.R. §50.57(a)(3)). The putative "hazard", therefore, is one that is litigable, if at all, in the operating license proceeding, not in this construction permit extension proceeding. CLI-82-29, supra.

In any event, under NRC case law interpreting 10 C.F.R. §50.55(b), good cause is shown if the delay which necessitates the construction permit extension was not the result of dilatory action by the permit holder. Thus, unless there are intentional delays of construction without a valid purpose, the good cause finding should be made. Matter of Washington Public Power Supply System (WPPSS Nuclear Project No. 1), ALAB-771, 19 NRC 1183, 1189 (1984); Matter of Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-722, 17 NRC 546, 553 (1983). Indeed, the Commission itself has held:

If a permit holder were to construct portions of a facility in violation of NRC regulations, when those violations are detected and corrections ordered or voluntarily undertaken, there is likely to be some delay in the construction caused by the revisions. Nonetheless, such delay, as with delay caused by design changes, must give "good cause" for an extension. To consider it otherwise could discourage permit holders from disclosing and correcting improper construction for fear that corrections would cause delays that would result in a

refusal to extend a construction permit, a result obviously inconsistent with the Commission's efforts to ensure the protection of the public health and safety.

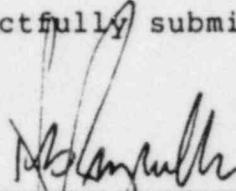
Matter of Washington Public Power Supply System (WPPSS Nuclear Project Nos. 1 and 2), CLI-82-29, 16 NRC 1221, 1230-31 (1982).

The "good cause" test in CLI-82-29 is clearly satisfied in this case. Physical construction of Comanche Peak Unit 1 was essentially complete by early 1985. However, reinspection, analyses, and corrective actions with respect to work already completed began as early as the fall of 1984 in order to respond to questions raised in the course of NRC staff review, as well as issues raised by the Board and the parties in the operating license proceeding before the Licensing Board. Both NRC Staff review and operating license proceedings before Licensing Boards are an integral part of the licensing scheme under the Atomic Energy Act. It is the responsibility of the applicant for an operating license to satisfy both the NRC Staff and the Licensing Board that applicable regulatory requirements have been or will be met.

As Comanche Peak and other NRC licensing proceedings amply demonstrate, the process of developing the information to satisfy these regulatory requirements can be and often is time-consuming. The implication of the Commission's holding in CLI-82-29 is that an applicant must be afforded the time either to demonstrate compliance with regulatory requirements or to detect and correct violations of those requirements. Specifically, that an applicant may be responsible for the delay in this sense does not give rise to the conclusion that the applicant has been dilatory. Nor does it negate the conclusion that good cause exists to provide sufficient time to complete identification and analysis of potential violations, and implementation of corrective actions. This is particularly true where, as here, the applicant has diligently pursued, and devoted substantial resources to, the information gathering, documentation, and correction process. Accordingly, contrary to CASE's argument, TUEC has amply satisfied the

requirement that there be good cause for the extension, and the Commission should deny CASE's request outright.

Respectfully submitted,



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WILLIAM G. COUNCIL
EXECUTIVE VICE PRESIDENT

January 29, 1986

Mr. Harold R. Denton
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: COMANCHE PEAK STEAM ELECTRIC STATION
DOCKET NO. 50-445; REQUEST FOR EXTENSION
OF CONSTRUCTION PERMIT NO. CPPR-126

Dear Mr. Denton:

Pursuant to 10 C.F.R. Section 50.55(b), Texas Utilities Electric Company et al. ("Applicants"), hereby apply for an extension, nunc pro tunc, of Construction Permit CPPR-126 for Comanche Peak Steam Electric Station, Unit 1, retroactive to August 1, 1985, the latest completion date presently reflected in CPPR-126. Applicants request that the latest completion date be extended to August 1, 1988. Applicants further request that this application be handled on an expedited basis. The Atomic Energy Act, NRC regulations, and the public interest support expedited issuance of the requested extension.

Applicants submit that good cause exists for the construction permit extension, and that the extension is for a reasonable period of time. Thus, Applicants submit that the requirements set forth in 10 C.F.R. Section 50.55(b) for issuance of the extension have been met.

Physical construction on Comanche Peak Unit 1 was essentially completed in early 1985. However, major efforts to reinspect and reanalyze various structures, systems, and components have been ongoing since the fall of 1984 in order to respond to the questions raised by the NRC Staff's Technical Review Team ("TRT"), by the Board and parties in the ASLB operating license proceedings, and raised by other external sources. The TRT was formed by senior NRC Staff management in March of 1984 to consolidate and carry out the various reviews necessary for the Staff to reach its decision regarding plant licensing. Applicants formed the Comanche Peak Response Team and submitted a Program Plan to respond to the TRT's questions, the ASLB issues, and the other external sources issues. That Plan is presently being implemented. It is anticipated that such implementation will not be complete before the second quarter of 1986.

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Based upon the foregoing, Applicants submit that the delay which necessitates the construction permit extension was not the result of dilatory action by Applicants; that is, there was no intentional delay of construction without a valid purpose. Matter of Washington Public Power Supply System (WPPSS Nuclear Project No. 1), ALAB-771, 19 NRC 1183, 1189 (1984); Matter of Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-722, 17 NRC 546, 553 (1983). Further, the ultimate good cause finding should "encompass a judgment about why the plant should be completed and is not to rest solely upon a judgment as to the applicants' fault for delay." ALAB-722, 17 NRC at 553.

It scarcely bears mention that Applicants here have not delayed placing Comanche Peak Unit 1 in operation intentionally without valid purpose. The delay has been necessitated by the performance of the reinspections and reanalyses described above. Obviously, Applicants would not delay operation of Comanche Peak Unit 1 any longer than is necessary to demonstrate the safety of the plant to their own satisfaction and that of the NRC.

Further, the extension sought is "for a reasonable period of time." 10 C.F.R. Section 50.55(b). The purpose behind this requirement is to ensure that an applicant does not select a completion date that frustrates the NRC's regulatory oversight. ALAB-771, supra, 19 NRC at 1191. NRC has numerous personnel both on-site and off-site overseeing Comanche Peak, and will have an active oversight role at least until the operating license is issued. A latest completion date of August 1, 1988, will not in any way frustrate this NRC oversight.

Accordingly, Applicants' request for an extension of the construction permit fulfills the requirements in 10 C.F.R. Section 50.55(b), and thus the mandate in Section 185 of the Atomic Energy Act, 42 U.S.C. Section 2235, which the NRC regulation implements. Matter of Washington Public Power Supply System (WPPSS Nuclear Projects Nos. 1 and 2), CLI-82-29, 16 NRC 1221, 1225 (1982). Prompt issuance of the requested extension will further the public interest in the completion of the licensing review for this facility in accordance with the terms and stated purposes of the Atomic Energy Act, 42 U.S.C. Sections 2013(d) and (f).

A proposed Environmental Impact Appraisal prepared by Applicants is attached hereto. This appraisal would support a determination that this construction permit extension will result in no significant environmental impact.

That this request was not filed at an earlier time was due to an administrative oversight, of which we were not aware until late yesterday afternoon. The efforts of both the Staff and the Applicants over the last year and a half have concentrated on addressing outstanding operating license issues, including the questions raised by the TRT, the ASLB, and the other external sources. Applicants have devoted substantial resources, both from within TUEC and through outside consultants, to establish and implement a massive program to address those outstanding issues. During the same time period, TUEC was involved in the restructuring of its management organization. This restructuring has involved numerous personnel changes and changes in responsibilities of persons in all facets of the organization. Recognizing this situation, Applicants have made a concerted effort to track outstanding technical commitments and issues. (See Texas Utilities

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Electric Company Comprehensive Action List, April 24, 1985.) Tracking of licensing milestones was to be maintained separately. Unfortunately, this particular milestone was overlooked.

The Commission has full authority under the Atomic Energy Act and the Administrative Procedure Act to grant the requested extension of the construction permit nunc pro tunc. The legislative history of the Atomic Energy Act indicates that the construction permit provisions of Section 185 were patterned after similar provisions of the Communications Act of 1934, 47 U.S.C. Section 319. See, e.g., Proposed Amendments to the Atomic Energy Act of 1946: Hearings on S.3323 and H.R. 8862 Before the Joint Committee on Atomic Energy, 83d Cong., 2d Sess. 116 (1954) (Representative Hinshaw).

Section 319(b) of the Communications Act provides that a construction permit for a broadcast station:

"shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee." (47 U.S.C. Section 319(b).)

The courts have held that the Federal Communications Commission has broad discretion under Section 319 to allow additional time for construction, even when an extension application is filed out of time. Mass Communicators, Inc. v. FCC, 266 F. 2d 681, 684 (D.C. Cir.), cert. denied, 361 U.S. 828 (1959), is a case directly in point. In that case, the applicant filed a request for extension of a construction permit after the date specified for completion of construction. Nevertheless, the FCC granted the extension, finding that the applicant had exercised due diligence in carrying out construction and that the work had been substantially completed by the specified construction completion date. 266 F. 2d at 683.

A competing applicant sought judicial review and argued that under Section 319(b) of the Communications Act, there had been an automatic forfeiture of the construction permit on the date of its expiration. The D.C. Circuit rejected this argument, stating: "It is clear . . . that an expiration of a permit was by no means to be considered an automatic forfeiture of the permit." 266 F. 2d at 684. In addition, despite FCC regulations stating that an extension application must be filed at least thirty (30) days prior to expiration of the permit, the Court ruled that "the regulations cannot be read to limit the statutory grant of power" and affirmed the FCC's order extending the construction permit. 266 F. 2d at 685.

In sum, Mass Communicators, supra, stands for the proposition that an agency does not lose its discretion to grant additional time for the completion of construction simply because the application for extension of time was not timely filed. This is so even where the agency's organic statute provides that the permit will be "automatically forfeited" if the deadline in question is not met. The FCC exercised its discretion to grant the extension because the holder of the putatively

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"expired" permit had demonstrated some diligence in pursuing activities under the permit and construction was substantially complete. Compare MG-TV Broadcasting Co. v. FCC, 408 F. 2d 1257, 1261 (D.C. Cir. 1968) (reversing FCC order granting extension because "no significant progress toward construction had been made," 408 F. 2d at 1262,) citing Mass Communicators, supra, and United Detroit Theatres Corp. v. FCC, 178 F. 2d 700 (D.C. Cir. 1949). Similarly, here, Section 185 of the Atomic Energy Act grants broad discretion to the Commission to allow an extension of a construction permit upon a showing of "good cause" and, like Section 319(b) of the Communications Act, contains no requirement that an extension application be filed prior to the expiration date. Given the result in Mass Communicators, supra, the Commission has full statutory authority to extend the Comanche Peak construction permit nunc pro tunc.

Further, 10 C.F.R. Section 50.55(d) requires that the operating license application be filed "(a)t or about the time of completion of the construction or modification of the facility. . . ." Applicants have diligently proceeded with activities under the construction permit and timely filed the application for an operating license in satisfaction of 10 C.F.R. Section 50.55(d). Applicants also have pending a motion for a low power operating license filed pursuant to 10 C.F.R. Section 50.57(c) in August 1984. In such circumstances, an agency such as the Commission, in its discretion, may elect to treat the operating license application not only as evidence that the license is being diligently pursued, but also as tantamount to an application for extension of the construction permit.

Indeed, the operating license application here constitutes an application for "a new license" (an operating license) within the meaning of the final sentence of Section 558 of the Administrative Procedure Act, 5 U.S.C. Section 558, and thereby could be considered to automatically extend the existing construction permit. The Supreme Court in Pan-Atlantic Steamship Corp. v. Atlantic Coast Line Railroad Co., 353 U.S. 436 (1957), a case involving the extension of temporary transportation authority, held that under Section 558 of the APA, an application for permanent authority to carry on the regulated activity operated to extend automatically the temporary authority even though the statute expressly limited temporary permits to one hundred eighty (180) days in the aggregate. Justice Douglas, for the Court, held that once the conditions of Section 558 are satisfied, including the filing of a timely application for a new (permanent) license to continue the ongoing business activity, "an extension in the interests of economy and efficiency is authorized." 353 U.S. at 439. Under the reasoning of Pan-Atlantic Steamship, the filing of the operating license application for Comanche Peak could be viewed as automatically extending the construction permit under Section 558 of the APA.

It should be noted that in Pan-Atlantic, the one hundred eighty (180) day period of temporary authority had run by the time the timely application for permanent authority was acted upon, but the agency had treated the temporary authority as still in effect while the application was pending and the Court affirmed, holding that the application for the long-term license was, under Section 558, to be treated, "in the interest of efficiency," as an application to extend the temporary authority. Accordingly, since Applicants filed a timely application for an operating license under 10 C.F.R. Section 50.55(d), Pan-Atlantic suggests that the construction permit is automatically extended pending disposition of the

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operating license application. The Commission need not employ this rationale, however, if it exercises its discretion to grant Applicants' extension request out of time. Mass Communicators, supra.

In any event, the overall purpose of NRC regulations has been served, even though there has been a delay in filing this request for extension. Applicants have assumed that they were always obligated to comply with the terms and conditions of the construction permit, have conducted themselves toward that end, and will continue to do so. The Staff has inspected and audited Applicants' activities in a most intensive oversight role, presumably also assuming that Applicants were obligated to comply with the construction permit. These actions by Applicants and the Staff provide a high level of assurance that public health and safety has been protected.

The requested extension of the construction permit involves no significant hazards considerations because it does not involve a significant increase in the probability or consequences of an accident, create the possibility of an accident of a type different from any previously evaluated, or involve a significant decrease in safety margin. Rather, it simply extends the completion date. Accordingly, Applicants request that the Staff dispense with prior notice of issuance of the extension, in accordance with 10 C.F.R. Section 50.92(a).

Notwithstanding the foregoing, I have earlier this date ordered an immediate suspension of all physical on-site construction activities on Unit 1, which suspension will remain in effect until further notice to you, which notice will be given at least seventy-two (72) hours before work will resume. Not included within the scope of this shutdown are:

1. Design and other engineering activities, whether on- or off-site. These activities, which include but are not limited to activities being undertaken to support the CPRT activities, are the type of activities that are routinely undertaken prior to issuance of (and, indeed, prior to application for) a construction permit.
2. The ongoing CPRT activities, exclusive of any physical corrective actions. These activities include no physical construction work, extend to both units, and are not activities undertaken under the authority of the construction permit.
3. Corrective maintenance of systems open at the time of the shutdown, if in our engineering judgment continuation of such work is necessary to protect and preserve installed hardware. We believe this to be consistent with the Commission's handling of the analogous situation in Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-77-8, 5 NRC 503, 513-14 n. 10 (1977). In addition, while preventative maintenance is included within the scope of the suspension, we reserve judgment to undertake preventative maintenance if necessary to protect and preserve installed hardware or systems.
4. Systems presently in operation, such as the energized transmission lines and chemistry supply systems.

ENVIRONMENTAL IMPACT APPRAISAL
SUPPORTING THE REQUEST FOR EXTENSION OF
COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 1
CONSTRUCTION PERMIT CPPR-126
DOCKET NO. 50-445

1. Description of and Need for Proposed Action

The action requested is the issuance of an extension to the captioned construction permit for Comanche Peak Steam Electric Station (CPSES) Unit 1. This would extend for 36 months the latest date for completion of Unit 1. The need for the proposed action arises from the requirement in NRC regulations (10 C.F.R. Section 50.55 (a)) that each construction permit state the latest date for completion, and from the fact that operating license reviews and proceedings have not yet been completed.

2. Summary Description of the Probable Impacts of the Proposed Action

The environmental impacts associated with construction of CPSES Units 1 and 2 have been previously addressed in the NRC Staff's final environmental statement, construction permit stages (FES-CP) issued June, 1974.

The FES-CP identified the following four major impacts and effects due to construction:

- a. Construction-related activities on the site were expected to disturb about 400 acres of rangeland, plus 3,228 acres of land inundated by Squaw Creek Reservoir, constructed in conjunction with the station. The land inundated was expected to include about 8 linear miles of Squaw Creek and the adjacent riparian communities, and 940 acres of cropland, which was considered irreversibly lost. About 200 acres of this land not to be used for the reservoir, plant facilities, parking lots, road switchyard, evaporation pond, etc., were required to be restored by seeding and landscaping to prevent erosion.
- b. Approximately 15 miles of transmission line corridors were expected to require about 439 acres of land for the rights-of-way.
- c. Relocation of certain pipelines was expected to involve about 100 acres. A railroad spur 10.2 miles long was expected to affect 185 acres of land. Diversion and return lines between Lake Granbury and Squaw Creek Reservoir were expected to affect about 100 acres.
- d. Station construction was expected to involve some community impacts. As many as eight farm residents were expected to be displaced. Farming, hunting, and grazing on the site were to be suspended. Traffic on local roads was expected to increase due to construction and commuting activities. Influx of construction workers' families was expected to cause no major housing or school problems. A demand for increased services in Somervell and Hood Counties was expected.

The first three effects have already occurred. The reservoir was constructed, and filling was completed in May of 1979. Post-construction site landscaping has of course not yet been completed, but there has been seeding to prevent erosion. Construction of the initial set of transmission lines is complete and construction is in progress for an additional planned line. The railroad spur and diversion and return lines between Lake Granbury and Squaw Creek Reservoir have been completed. Therefore, those effects were associated with previous authorizations, not this requested extension.

Regarding community impacts, the requested extension encompasses no change in the scope, or significant change in the duration, of the construction activities, most of the physical construction (exclusive of any corrective actions) having already taken place for Unit 1.

Another impact, the subject of a construction permit condition, is groundwater withdrawal. At the present time most construction water is being supplied from treated lake water. As a result, continued construction will have little impact on groundwater.

As required by the construction permit, environmental monitoring has been conducted. There have been no unreviewed adverse environmental impacts associated with construction and none is anticipated.

3. Alternatives

As the NRC has recognized in not requiring consideration of alternative energy sources or alternative sites at the operating license stage (10 C.F.R. Section 51.53), those are not viable alternatives for plants already constructed. Alternatives were considered in the FES-CP issued in June, 1974. The alternative selected was to authorize construction, and such course remains the alternative of choice.

4. Conclusion and Basis for Finding of No Significant Impact

On the basis of the above, it is concluded there will be no significant environmental impact attributable to this requested action other than those already predicted and described in the FES-CP issued in June, 1974.