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June 6, 1988

William G. Council
Executive Vice President

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NO. 50-445
REQUEST FOR EXTENSION OF CONSTRUCTION PERMIT
NO. CPPR-126

Gentlemen:

Pursuant to 10CFR50.55(b), Texas Utilities Electric Company, et al. ("Applicants" or "TU Electric") hereby apply for an extension of Construction Permit CPPR-126 for Comanche Peak Steam Electric Station, Unit 1. The latest completion date presently reflected in CPPR-126 is August 1, 1988. Applicants request that the latest completion date be extended to August 1, 1991.

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 10CFR50.55(b) for issuance of the extension have been met.

The Commission has held that good cause for a construction permit extension arises from the need to detect and correct potential violations of NRC regulations. Thus, the Commission has stated:

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.

In the Matter of Washington Public Power Supply System (WPPSS) Nuclear Project Nos. 1 & 2), CLI-82-29, 16 NRC 1221, 1230-31 (1982). Further the Commission has held that "good cause" may justify delays or, alternatively, that

a permittee may also demonstrate good cause for a CP extension by showing not that there was good cause for the past delay, but that there is now good cause for the NRC to allow more time for plant completion.... WPPSS addressed efforts to correct safety deficiencies in relation to this second method to show good cause.

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TXX-88414
May 6, 1988
Page 2 of 5

In the Matter of Texas Utilities Electric Company, et al. (Comanche Peak Steam Electric Station, Unit 1), CLI-86-15, 24 NRC 397, 401 (1986) (emphasis in original). See also Porter County Chapter of the Izaak Walton League, et. al; Denial of Petition for Rulemaking, DD-88- (53 Fed. Reg. 12425 (April 14, 1988))(summarizing and applying these precedents in denying petition for rulemaking).

The "good cause" test in CLI-82-29, as elucidated in CLI-86-15, is clearly satisfied in this case. The program now being undertaken by Applicants began in the fall of 1984 when TU Electric commenced an intensive program of review and reinspection with respect to the design and construction of Comanche Peak. This effort was undertaken to respond to issues raised by the NRC Staff in the course of its licensing review, and by the Licensing Board and the parties in the operating license proceeding. As a result of this investigation, TU Electric has undertaken extensive measures to assure and provide evidence of the safe design and construction of Comanche Peak. These measures include major reinspection efforts and development of essential documentation regarding the adequacy of design and construction, as well as, where necessary, redesign and/or modification of affected structures, systems and components.

In sum, this program is intended to address the issues presented by the NRC Staff and raised in the operating license proceeding. The program also addresses issues identified independently by TU Electric in the course of its investigation. It is precisely the type of remedial program contemplated by the Commission in CLI-82-29 and CLI-86-15 as "good cause" for an extension.

The program is an essential element in providing the requisite assurance regarding satisfaction of NRC requirements. Both the NRC Staff review and operating license proceedings before the Licensing Board are an integral part of the licensing scheme under the Atomic Energy Act. It is the responsibility of the Applicants for an operating license to satisfy both the NRC Staff and the Licensing Board that applicable regulatory requirements have been or will be met. This program is intended to satisfy that responsibility.

Further, extending the construction completion date for Unit 1, as requested, is consistent with the policy underlying the Commission's decisions. The Commission firmly established, both in CLI-82-29 and in CLI-86-15, that an applicant must be afforded the time either to demonstrate compliance with regulatory requirements or to detect and correct violations of those requirements. In CLI-82-29, the Commission described the fundamental policy considerations which compel providing for such extensions, as follows:

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.

TXX-88414
May 6, 1988
Page 3 of 5

WPPSS, CLI-82-29, 16 NRC at 1230-31. In CLI-86-15, the Commission further explained its holding in CLI-82-29, stating:

Our holding in WPPSS was intended to encourage licensees to conduct vigorous internal investigations and remedial safety actions by not penalizing them for any completion delay caused thereby.

Comanche Peak, CLI-86-15, 24 NRC at 401 (emphasis added).

These policy considerations compelled a finding of good cause with respect to the requested extension for Comanche Peak Unit 1. As already demonstrated, Applicants here have diligently pursued and devoted substantial resources to a "vigorous internal investigation" and undertaken "remedial safety actions" to assure and demonstrate satisfaction of licensing issues. Efforts such as these are clearly of the kind contemplated by the Commission in CLI-82-29 and CLI-86-15 as constituting good cause for an extension of the latest completion date.

The requested three-year extension of the latest date for completion of construction, from August 1, 1988, to August 1, 1991, is "for a reasonable period of time," in accordance with 10CFR50.55(b). Applicants note that the purpose behind this requirement is to ensure that an applicant does not select a completion date that frustrates the NRC's regulatory oversight. In the Matter of Washington Public Power Supply System (WPPSS Nuclear Project No. 1), ALAB-771, 19 NRC 1183, 1191 (1984). In this regard, the NRC has numerous personnel, both on-site and off-site, overseeing Comanche Peak and will maintain an active oversight role at least until substantial completion of Applicants' review activities. The Commission also has established a separate office responsible for, inter alia, resolution of licensing matters related to Comanche Peak. Hence, the requested extension will not in any way impede the NRC's capability to conduct its oversight activities.

In addition, inherent in the Commission's holding in CLI-82-29, supra, is the recognition that not only can the process of developing information and satisfying both the NRC Staff and a Licensing Board be time-consuming, but also that it is somewhat unpredictable. In this regard, TU Electric notes that it has sought throughout this review to assure that the program be thorough and comprehensive. To this end, the breadth and timing of some tasks performed under the program have expanded since its inception. Consequently, the timing not only of the program but of NRC Staff and Licensing Board reviews has also been extended since TU Electric requested to extend the Unit 1 construction permit completion date to August 1, 1988. TU Electric notes, however, that the NRC Staff is now nearing completion of its review of the principal aspects of the program and the Licensing Board has established a schedule intended to lead to hearings this year (see Memorandum and Order (Litigation Schedule), ASLBP NO. 79-430-06-0L (November 18, 1987)). Accordingly, this request reflects the need for additional time to complete those processes, providing a reasonable allowance for contingencies.

TXX-88414
May 6, 1988
Page 4 of 5

Thus, while Applicants anticipate commercial operation of Unit 1 by the end of 1989 (see Texas Utilities Company Securities and Exchange Commission Form 10-K Annual Report, March 18, 1988), based on the granting of an operating license and fuel load for Unit 1 by mid-1989, we have allowed for a margin to reflect factors such as the unpredictability of the hearing and decision schedule and the necessary flexibility of the schedule for a program such as that being undertaken at Comanche Peak. Hence, the extension requested is consistent with NRC practice, with statutory and regulatory objectives, and with prudent allowance for contingencies.

Accordingly, Applicants' request for an extension of the construction permit fulfills the requirements in 10CFR50.55(b), and thus the mandate in section 185 of the Atomic Energy Act, 42 USC 2235 (1982), which the NRC regulation implements. See WPPSS, CLI-82-29, 16 NRC 1221, 1225 (1982); see also Comanche Peak, CLI-86-15, 24 NRC 397, 400 (1986). 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 USC 2013(d), (f).

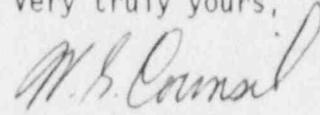
Finally, the requested extension of the construction permit involves no significant hazards considerations as it simply extends the completion date of construction already authorized by Construction Permit No. CPPR-126 and does not authorize the performance of any work that is not already allowed by the construction permit. Thus, it does not involve a significant increase in the probability or consequences of an accident, does not create the possibility of an accident of a type different from any previously evaluated, and does not involve a significant decrease in safety margin. See 10CFR50.92(c). Accordingly, Applicants request that the Staff dispense with prior notice of issuance of the extension. See 10CFR50.92(a).

A proposed Environmental Impact Appraisal is attached hereto. This appraisal would support a determination that this construction permit extension will result in no significant environmental impact, pursuant to 10CFR51.32.

TXX-88414
May 16, 1988
Page 5 of 5

In accordance with 10CFR170.21, enclosed herewith is a check for \$150.00 for the construction permit extension application. Further, in accordance with 10CFR50.4(b)(1), Applicants hereby submit the signed original of this extension request to the NRC Document Control Desk, Washington, D.C., and copies to the distribution listed below.

Very truly yours,



W. G. Council

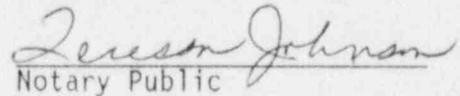
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c - Ms. Melinda Malloy, OSP-NRC
Mr. R. D. Martin, Region IV
Resident Inspectors, CPSES (3)

THE STATE OF TEXAS:

COUNTY OF DALLAS :

There personally appeared before me W. G. Council, who, being duly sworn did state that he is Executive Vice President, Nuclear Engineering and Operations, of TU Electric; that he is duly authorized to sign and file with the Nuclear Regulatory Commission this request to amend Construction Permit CPPR-126 for Comanche Peak Steam Electric Station, Unit 1; that he is familiar with the content thereof; and that the matters of fact set forth therein are true and correct to the best of his knowledge, information, and belief.



Notary Public

My Commission Expires:

3/12/90

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 Texas Utilities Electric Company's (TU Electric's) 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 (10CFR50.55(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. In particular, a comprehensive reinspection and corrective action program is being undertaken by Applicants to address outstanding licensing issues. Additional time is needed to complete that program.

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

The environmental impacts associated with construction of CPSES Unit 1 have been previously addressed in the NRC Staff's Final Environmental Statement, Construction Permit Stage (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 for the initial set of transmission lines 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 landscaping at the power plant site has of course not yet been completed, but there has been seeding to prevent erosion. Construction of the initial set of transmission lines and the additional planned line (Comanche Peak - Comanche Switch) is complete. 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 does not involve impacts not previously considered or any impacts significantly greater than those previously considered. These impacts flow principally from the prolonged presence of construction workers into the surrounding communities in Hood and Somervell counties. Recent activities related to the program to respond to outstanding licensing issues and design verification efforts have resulted in a temporary increase in workforce (primarily engineering and technical rather than construction per se). The current peak workforce level of approximately 8000 represents the total on-site workforce (i.e., TU Electric and contract personnel basically dedicated to the completion and preparation for operation of Unit 1, with a small percentage devoted to Unit 2 activities). This represents an increase of 500 from the previously reported site workforce. The workforce will begin to decline again as the Unit 1 engineering and construction programs near completion. It should be noted that 85% of the total workforce are contractors and consultants who do not live in the area and use only temporary quarters during the workweek (i.e., even while they are present there are no extended impacts associated with the arrival of families or services necessary to support permanent residents). In sum, the only community impacts that would accompany this extension would be those which extend the total time the local community is affected by the present demand for public services. The maintenance of these workforce levels should not result in significant additional impacts.

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. The construction permits for Comanche Peak Units 1 and 2 include a condition that the annual average groundwater withdrawal rate not exceed 40 gpm. Current groundwater withdrawal rates are within the limit established by the construction permits. In fact, the cumulative average groundwater withdrawal rates for 1986 and 1987 were less than half the limit set forth in the construction permits. Further data regarding groundwater withdrawal has been provided in connection with the review of TU Electric's April 29, 1987, request to extend the Unit 2 construction completion date. (See TU Electric's letters dated July 22, 1987; September 9, 1987; and December 3, 1987.) In the

July 22, 1987 submittal, TU Electric reported a conservative estimate of total CPSES groundwater withdrawal of 5.94×10^8 gallons for the period up to August 1, 1990. Assuming a maximum groundwater withdrawal of forty (40) gallons per minute from August 1, 1990, to August 1, 1991, for all groundwater (this withdrawal is authorized by amendment 6 to Construction Permits Nos. CPPR-126 and CPPR-127), there would be approximately an additional 21 million (0.21×10^8) gallons withdrawn. Even with this conservative estimate, cumulative groundwater withdrawal would be 42 million gallons less than previously evaluated and authorized (See Environmental Impact Appraisal Supporting Amendments No. 2 to CPPR-126 and CPPR-127, Comanche Peak Steam Electric Station, Units 1 and 2, Docket Nos. 50-445 and 50-446, November 16, 1979, at 1-2). Thus, continued construction through August 1, 1991, will not impose greater impacts on total groundwater withdrawal than those already evaluated.

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

3. Alternatives

As the NRC has recognized in not requiring consideration of alternative energy sources or alternative sites at the operating license stage (10CFR51.53), 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.