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 FACIL:50-261 H.B. Robinson Plant, Unit 2, Carolina Power & Light C 05000261  
 AUTH.NAME AUTHOR AFFILIATION  
 ZIMMERMAN,S.R. Carolina Power & Light Co.  
 RECIP.NAME RECIPIENT AFFILIATION  
 VARGA,S.A. Operating Reactors Branch 1

SUBJECT: Requests deletion of App B (environ protection plan) from  
 License DPR-23.Areas addressed in plan within EDA  
 jurisdiction.

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Carolina Power & Light Company

OCT 18 1985

SERIAL: NLS-85-357

Director of Nuclear Reactor Regulation  
Attention: Mr. Steven A. Varga, Chief  
Operating Reactors Branch No. 1  
Division of Licensing  
United States Nuclear Regulatory Commission  
Washington, DC 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
DOCKET NO. 50-261/LICENSE NO. DPR-23  
NON-RADIOLOGICAL ENVIRONMENTAL TECHNICAL SPECIFICATIONS

Dear Mr. Varga:

By letter dated September 13, 1985, your office transmitted comments on the proposed "H. B. Robinson Steam Electric Plant Unit No. 2 - Environmental Protection Plan" and requested resubmittal of a revised version of the Plan within 30 days. It was intended that, when approved, this Plan would constitute Appendix B to the Facility Operating License. However, Carolina Power & Light Company (CP&L) hereby requests that Appendix B not be included in the license. The basis for non-inclusion of these requirements in the license is that the areas addressed in the Plan are adequately controlled within the jurisdiction of the U. S. Environmental Protection Agency (EPA), and deletion of these redundant requirements is consistent with our Brunswick Unit 1 and 2 Technical Specifications.

## DISCUSSION

Carolina Power & Light Company's Brunswick Steam Electric Plant (BSEP) has previously requested and received permission to delete Non-Radiological Environmental Technical Specifications from their Operating License. (See attached NRC letter; Vassallo to Utley; dated March 11, 1983.) The basis for these requests are equally applicable to the situation at H. B. Robinson Unit No. 2 (HBR2). Therefore, CP&L wishes to apply a similar approach for HBR2 in order to achieve consistency within our plants on the handling of this issue and to avoid duplication of efforts and overlapping jurisdiction with EPA regulations.

The substantive requirements of the proposed Appendix B specification are duplications of the EPA requirements for environmental monitoring and reporting specified by the National Pollutant Discharge Elimination System (NPDES) Permit and the associated biological monitoring program. The EPA program adequately addresses the substantive provisions of the proposed Appendix B requirements and is a more appropriate vehicle for these environmental protection controls. Furthermore, the duplicative effort required to maintain both the EPA and NRC environmental plans would be an inefficient use of the available resources and confuse the issue of regulatory jurisdiction in these matters. The EPA has delegated the authority to issue NPDES permits to the states and the plant is currently operating under the provisions of a permit granted by South Carolina.

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PDR ADCK 05000261  
PDR

411 Fayetteville Street • P. O. Box 1551 • Raleigh, N. C. 27602

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For these reasons, CP&L requests that the NRC not require an Appendix B Environmental Plan that is already adequately addressed by the NPDES Permit program. In order to keep the NRC appraised of the status and developments in the non-radiological environmental protection area, CP&L would provide copies of NPDES Permits, amendments, renewals, violations, and relevant correspondence to the Commission on a continuing basis.

If there are any questions concerning this matter, please contact Mr. Stephen D. Floyd at (919) 836-6901.

Yours very truly,



S. R. Zimmerman  
Manager

Nuclear Licensing Section

SRZ/MDM/mf (1994MDM)

cc: Dr. J. Nelson Grace (NRC-RII)  
Mr. G. Requa (NRC)  
Mr. H. Krug (NRC Resident Inspector - RNP)



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

JKZ  
Rec'd 3/11  
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Docket Nos. 50-325  
324

March 11, 1983

NL4-83-184

DATE RECEIVED
MAR 12 1983
BY LICENSING

Mr. E. E. Utley  
Executive Vice President  
Carolina Power & Light Company  
P. O. Box 1551  
Raleigh, North Carolina 27602

Dear Mr. Utley:

The Commission has issued the enclosed Amendment Nos. 54 and 79 to Facility Operating License Nos. DPR-71 and DPR-62 for Brunswick Steam Electric Plant, Units 1 and 2. The amendments consist of changes to the Licenses and Technical Specifications in response to your applications dated April 21, 1981 and February 19, 1982, and subsequent discussions between the NRC staff and your staff. These changes have been discussed with and agreed to by members of your staff.

The amendments delete the license conditions and the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

Your basis for the requested deletion of water quality limits and monitoring programs is that these aquatic requirements are now under the jurisdiction of the U.S. Environmental Protection Agency (EPA) as established by the Federal Water Pollution Control Act Amendments of 1972. Therefore, water quality conditions in existing reactor operating licenses should be removed as a matter of law where the licensee holds, as you do, an effective National Pollutant Discharge Elimination System (NPDES) permit.

We concur in the deletion of the aquatic requirements and will rely on the NPDES permit system which is administered by EPA for regulation and protection of the aquatic environment. However, the NRC staff still wishes to remain informed about any changes in your NPDES permit and any violations of this permit. Accordingly, as discussed with your staff, you have agreed to provide NRC with a copy of any changes to the NPDES discharge permit and any permit violations requiring notification to the permitting agency at the time this information is reported to or received from the permitting agency. This information is to be submitted to the appropriate Regional Administrator with a copy to the Director, Office of Nuclear Reactor Regulation.

Please confirm this commitment in writing within 30 days of receipt of this letter.

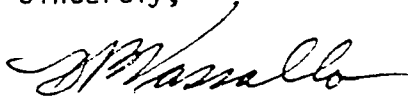
We have determined that the deletion of these water quality requirements is a ministerial action required as a matter of law and will not result in any significant environmental impact. Having made this determination, we have further concluded that the amendments involve an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendments.

63-324655-3-277

Since the amendments apply only to deletion of water quality requirements, we have concluded that: (1) because the amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated, do not create the possibility of an accident of a type different from any evaluated previously, and do not involve a significant reduction in a margin of safety, the amendments do not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Notice of Issuance is also enclosed.

Sincerely,



Domenic B. Vassallo, Chief  
Operating Reactors Branch #2  
Division of Licensing

Enclosures:

1. Amendment No. 54 to DPR-71
2. Amendment No. 79 to DPR-62
3. Notice of Issuance

cc w/Enclosures  
See next page