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50-460 WPPSS Nuclear Project, Unit 1, Washington Public Powe 05000460
AUTH.NAME AUTHOR AFFILIATION
RENBERGER,D.L. Washington Public Power Supply System
RECIP.NAME RECIPIENT AFFILIATION
YOUNGBLOOD,B.J. Licensing Branch 1

SUBJECT: ACk receipt of NRC 800430 ltr approving request to discontinue certain aquatic monitoring & requesting copies of util submittals to State of WA re water quality.NRC does not have authority to require water quality filings.

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Washington Public Power Supply System
A JOINT OPERATING AGENCY

P. O. Box 968 3000 Geo. Washington Way Richland, Washington 99352 Phone (509) 375-5000

July 14, 1980

Docket Nos.: 50-397
50-460
50-513

Mr. B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Youngblood:

Subject: WPPSS Nuclear Project Nos. 1, 2 and 4
Water Use and Quality Reports

Reference: Letter, D. L. Renberger from B. J. Youngblood
Dated April 30, 1980

This will acknowledge receipt of the above referenced letter.

Your letter approved our request to discontinue certain aquatic monitoring. In addition, however, you ask that in the future:

> " . . . copies of all Supply System submittals to the State relating to water use and quality regulations be sent to the NRC. This should include copies of NPDES applications, revisions and renewal requests as well as other reports required under the NPDES permit."

The Supply System believes the NRC to be without authority to require routine filing of these water quality related submittals. Nevertheless, reserving its right to object to continued filing in the future, the Supply System will voluntarily honor your request.

Our belief concerning the authority of the NRC to require submission of water quality reports filed with EPA and its delegated agencies is based upon recent decisions of the NRC Appeal Board which interpret Section 511(c)(2) of the Clean Water Act of 1977 (33, U.S.C. 1326), culminating with ALAB-569, H. B. Robinson. 1/

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In H. B. Robinson, the Appeal Board reviewed its holdings in Seabrook 2/, Peach Bottom 3/ and Yellow Creek 4/ concerning the role of the NRC in making water quality related judgments as a function of its responsibilities under NEPA.

Quoting its earlier opinion in Yellow Creek concerning the role of agencies other than EPA in water quality and pollution control matters, the Appeal Board said:

> "Third, those agencies are not to 'second guess' EPA by undertaking independent analyses and setting their own standards in this area. And, finally, given the pointed Congressional comments cited, NRC, as statutory successor to the AEC, is unmistakably bound by those strictures."
> 10 NRC at 561

and then, reviewing the holding in Yellow Creek, said:

> "On the basis of this analysis, we held squarely 'that NRC may not undercut EPA by undertaking its own analyses and reaching its own conclusions in water quality issues already decided by EPA.'"
> 10 NRC at 561

1/ In the Matter of Carolina Power & Light Company (H. B. Robinson, Unit No. 2), v. ALAB-569, 10 NRC at 557 (1979).

2/ Public Service Company of New Hampshire, (Seabrook Units 1 & 2), ALAB-366, 5 NRC 39 (1977), affirmed, CLI-77-8, 5 NRC 503 (1977); and ALAB-422, 6 NRC 33 (1977).

3/ Philadelphia Electric Company (Peach Bottom Units 2 & 3), ALAB-216, 8 AEC 13.

4/ Tennessee Valley Authority (Yellow Creek Units 1 & 2), ALAB-515, 8 NRC 702 (1978).

Finally, in H. B. Robinson, the Appeal Board concluded:

> "If anything, events teach that the staff and Boards can best expend their limited resources by concentrating on those questions which only this Commission can handle, rather than by duplicating the efforts of a sister agency in a field peculiarly within that agency's competence."
> 10 NRC at 561

Since the Appeal Board has now made it clear that the NRC staff is bound by Section 511(c)(2) of the Clean Water Act to take EPA water quality decisions at face value, simply factoring them into cost-benefit balancing under NEPA; and is foreclosed by that Act from undertaking independent analyses; copies of water use and quality submittals can be of no practical use to the NRC staff. The Supply System contends that a requirement that copies of these reports be furnished routinely to the NRC staff perpetuates the "needless duplication" of paperwork enjoined by the Clean Water Act and the Appeal Board's decisions.

Since, however, it is understood that your request involves no more than furnishing NRC with duplicate copies of water quality submittals made to the State of Washington, the Supply System will comply with the request. The Supply System is willing to do so at this time because it believes that the duplication of documents will require only a small additional effort and understands that this undertaking will not require preparation of special reports on these topics specifically for the NRC staff.

Very truly yours,

for D. L. Renberger
Assistant Director, Technology

mch

mike

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

50-397 m/4

July 11, 1980

TO ALL APPLICANTS FOR OPERATING LICENSES AND CONSTRUCTION PERMIT HOLDERS

In the process of establishing priorities for the licensing reviews of operating license applications, we rely principally on the best estimates of the construction completion date of utilities. In most cases, this date will be confirmed or modified by our Caseload Forecast Panel which usually visits a specific plant site no more than once a year. Because of a number of recent slippages in applicants' construction completion schedules, we believe it is appropriate at this time to request up-to-date schedules from all applicants. Accordingly, we are requesting you to advise us of your present best estimate of the construction completion date for your facility (facilities) and fuel load target date so that we may establish our licensing priorities based on the latest available data. For your information, I have enclosed a listing provided to the House Appropriations Subcommittee of target schedules for those plants seeking operating licenses in the next three years. Those applicants not listed in the enclosure should provide the date they plan to tender their Operating License Application (FSAR and ER) to the NRC.

Upon receipt of your response, we anticipate a potential revision to our present licensing review priorities. Note that the order of our priorities is somewhat influenced by a hearing which is required for some of the OL applications. Inasmuch as we are still limited in our casework by our manpower resources, we request that your response be as up-to-date as possible.

Please provide your response within thirty days of receipt of this letter.

Sincerely,

Darrell G. Eisenhut

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosure:
As Stated

ccs w/encl:
Service List

TABLE 1
TARGET DATES OF LICENSING STEPS FOR PLANTS SEEKING
OPERATING LICENSES IN THE NEXT THREE YEARS

Plant	FSAR Tendered	FSAR Docketed	ER Tendered	ER Docketed	SER	ACRS	SER * Suppl.	DES	FES*	Hearing** Start	Hearing** Comp.	Const. Comp.*** App.Est.	Const. Comp.*** NRC Est.	ASLB** Decision	OL Issued
EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT															
Zimmer 1	5/75	9/75	6/75	9/75	1/79	3/79	10/80E	10/76	6/77	6/79	12/80E	8/80E	2/81E	2/81E	2/81E
Fermi 2	10/74	4/75	10/74	4/75	3/81E	4/81E	6/81E	12/80E	5/81E	7/81E 6/81E	9/81E 8/81E	6/81E	11/81E	11/81E	11/81E
Midland 2	8/77	11/77	3/78	4/78	10/82E	11/82E	1/83E	6/80E	11/80E	2/83E	8/83E	4/84E	4/84E	10/83E	4/84E (1)
Midland 1	8/77	11/77	3/78	4/78	10/82E	11/82E	1/83E	6/80E	11/80E	2/83E	8/83E	9/84E	9/84E	10/83E	9/84E (1)
Marble Hill	6/79	3/82E	6/79	4/83E	1/84E	2/84E	4/84E	11/83E	4/84E	8/84E	1/85E	4/82E	4/85E	3/85E	4/85E (2)
ELECTRIC RELIABILITY COUNCIL OF TEXAS															
Comanche Peak 1	3/78	5/78	3/78	1/79	3/81E	4/81E	6/81E	9/80E	2/81E	9/81E	12/81E	3/81E	2/82E	2/82E	2/82E
South Texas 1	5/78	7/78	5/78	7/78	11/82E	12/82E	3/83E	4/82E	9/82E	4/83E	7/83E	9/83E	9/83E	9/83E	9/83E
MID-ATLANTIC AREA COUNCIL															
Salem 2	8/71	8/71	7/71	7/71	10/71	2/79	4/80E(LP) 10/80E(FP)	10/72	4/73	None	Req'd	2/80	4/80E	NA	4/80E (LP) 10/80E (FP)
Susque-hanna 1	4/78	7/78	5/78	6/78	2/81E	3/81E	5/81E	6/79	11/80E	6/81E 12/80E	8/81E 1/81E	4/81	10/81E	10/81E 3/81E	10/81E
Susque-hanna 2	4/78	7/78	5/78	6/78	2/81E	3/81E	5/81E	6/79	11/80E	6/81E 12/80E	8/81E 1/81E	4/82E	4/83E	10/81E 3/81E	4/83E

Plant	FSAR Tendered	FSAR Docketed	LR Tendered	LR Docketed	SER	ACRS	SER* Suppl.	DES	FES*	Hearing** Start	Hearing** Comp.	Const. Comp.*** App.Est.	Const. Comp.*** IRC Est.	ASLB** Decision	OL Issued
MID-AMERICA INTERPOOL NETWORK															
LaSalle 1	9/76	5/77	10/76	5/77	9/80E	10/80E	12/80E	3/78	11/78	None	Req'd	6/80E	12/80E	NA	12/80E
LaSalle 2	9/76	5/77	10/76	5/77	9/80E	10/80E	12/80E	3/78	11/78	None	Req'd	6/81E	2/82E	NA	2/82E
Byron 1	6/78	11/78	6/78	11/78	10/81E	11/81E	1/82E	2/81E	7/81E	2/82E 8/80E	4/82E 10/81E	4/82E	7/82E	6/82E 12/81E	7/82E
Byron 2	6/78	11/78	6/78	11/78	10/81E	11/81E	1/82E	2/81E	7/81E	2/82E 6/81E	4/82E 10/81E	4/83E	7/83E	6/82E 12/81E	7/83E
Braidwood 1	6/78	11/78	6/78	11/78	10/81E	11/81E	1/82E	1/83E	6/83E	2/82E 7/83E	4/82E 10/83E	5/83E	6/84E	6/82E 12/83E	6/84E
Braidwood 2	6/78	11/78	6/78	11/78	10/81E	11/81E	1/82E	1/83E	6/83E	2/82E 7/83E	4/82E 10/83E	4/84E	6/85E	6/82E 12/83E	6/85E
Callaway 1	10/79	8/80E	10/79	12/80E	6/82E	7/82E	8/82E	7/81E	12/81E	9/82E	10/82E	10/82E	12/82E	12/82E	12/82E
Clinton 1	12/79	10/80E	12/79	3/81E	9/82E	10/82E	11/82E	10/81E	3/82E	12/82E	1/83E	4/82E	3/83E	3/83E	3/83E
NORTHEAST POWER COORDINATING COUNCIL															
Shoreham	9/75	1/76	9/75	1/76	9/80E	10/80E	12/80E	3/77	10/77	1/81E	8/81E	11/80E	10/81E	10/81E	10/81E
SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL															
North Anna 2	5/73	5/73	6/70	6/70	6/76	1/77	4/80 (LP) 10/80E(FP)	12/72	4/73	11/76 9/75	6/77 9/75	4/80	4/80	11/77 12/75	4/80 (LP) 10/80E(FP)
Sequoyah 1	12/73	1/74	(3)	(3)	3/79	5/79	2/80 (LP) 9/80E(FP)	10/71	7/74	None 7/74	Req'd 7/74	2/80	2/80	NA 2/75	2/80 (LP) 9/80E (FP)
Sequoyah 2	12/73	1/74	(3)	(3)	3/79	5/79	5/81E	10/71	7/74	None 7/74	Req'd 7/74	8/80E	5/81E	NA 2/75	5/81E

Plant	FSAR Tendered	FSAR Docketed	ER Tendered	ER Docketed	SER	ACRS	SER* Suppl.	DES	FES*	Hearing** Start	Hearing** Comp.	Const. Comp.*** App.Est.	Const. Comp.*** NRC Est.	ASLB** Decision	OL Issued
SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (CON'T)															
McGuire 1	4/74	5/74	4/74	5/74	3/78	4/78	7/80E	10/75	4/76	8/78 3/77	8/78 4/77	5/80E	11/80E	4/79	11/80E (4)
McGuire 2	4/74	5/74	4/74	5/74	3/78	4/78	7/80E	10/75	4/76	8/78 3/77	8/78 4/77	1/82E	2/82E	4/79	2/82E (4)
Watts Bar 1	6/76	10/76	(5)	(5)	1/81E	2/81E	4/81E	6/78	12/78	None	Req'd	9/80E	5/81E	NA	5/81E
Watts Bar 2	6/76	10/76	(5)	(5)	1/81E	2/81E	4/81E	6/78	12/78	None	Req'd	6/81E	3/82E	NA	3/82E
Summer 1	12/76	2/77	12/76	2/77	8/80E	9/80E	11/80E	6/79	9/80E	12/80E 10/80E	2/81E 12/80E	12/80E	12/80E	4/81E 2/81E	4/81E
Farley 2	8/73	8/73	8/73	8/73	5/75	6/75	7/80E(LP) 12/80E(FP)	7/74	12/74	None	Req'd	6/80E	7/80E	NA	7/80E(LP) 12/80E(FP)
Bellefonte 1	2/78	6/78	2/78	6/78	2/82E	3/82E	6/82E	2/81E	7/81E	None	Req'd	7/82E	7/82E	NA	7/82E
Bellefonte 2	2/78	6/78	2/78	6/78	2/82E	3/82E	6/82E	2/81E	7/81E	None	Req'd	6/83E	6/83E	NA	6/83E
Catawba 1	3/79	10/80E	3/79	10/80E	8/82E	9/82E	10/82E	5/82E	9/82E	12/82E	2/83E	4/83E	4/83E	4/83E	4/83E
SOUTHWEST POWER POOL															
Grand Gulf 1	4/78	6/78	4/78	6/78	5/81E	6/81E	8/81E	2/81E	7/81E	None	Req'd	9/81E	9/81E	NA	9/81E
Waterford 3	9/78	12/78	9/78	12/78	5/81E	6/81E	8/81E	3/81E	8/81E	9/81E	12/81E	10/81E	2/82E	2/82E	2/82E
Wolf Creek	2/80	3/81E	2/80	10/81E	1/83E	2/83E	4/83E	5/82E	10/82E	7/83E	8/83E	10/82E	10/83E	10/83E	10/83E
WESTERN SYSTEMS COORDINATING COUNCIL															
Diablo Canyon 1	10/73	10/73	8/71	8/71	10/74	7/78	5/80E(LP) 1/81 (FP)	12/72	5/73	10/77 12/76	8/80E 12/76	5/80E	5/80E	10/80E	10/80E(LP) 1/81E(FP)
Diablo Canyon 2	10/73	10/73	8/71	8/71	10/74	7/78	1/81 (FP)	12/72	5/73	10/77 12/76	8/80E 12/76	3/81E	3/81E	10/80E	3/81E

Plant	FSAR Tendered	FSAR Docketed	ER Tendered	ER Docketed	SER	ACRS	SER Suppl.	DES	FES*	Hearing** Start	Hearing** Comp.	Const. Comp.*** App.Est.	Const. Comp.*** NRC Est.	ASLB** Decision	OL Issued
WESTERN SYSTEMS COORDINATING COUNCIL (CON'T)															
San Onofre 2	11/76	3/77	11/76	3/77	8/80E	9/80E	12/80E	11/78	10/80E	1/81E 10/80E	4/81E 11/80E	11/80E	6/81E	6/81E 1/81E	6/81L
San Onofre 3	11/76	3/77	11/76	3/77	8/80E	9/80E	12/80E	11/78	10/80E	1/81E 10/80E	4/81E 11/80E	1/81E	5/82E	6/81E 1/81E	5/82L
Washington Nuclear 2	3/78	6/78	12/76	4/77	3/82E	4/82E	7/82E	1/81E	6/81E	None	Req'd	7/82E	7/82E	NA	7/82L
Palo Verde	10/79	12/80E	12/79	12/80E	6/82E	6/82E	7/82E	7/81E	12/81E	8/82E	10/82E	11/82E	12/82E	12/82E	12/82L

ASSUMPTIONS USED FOR PROJECTING TARGET SCHEDULES

Commission decision on full-power NTOL requirements made in June 1980.

Commission decision on treatment of Class 9 accidents in NEPA statements adopts staff recommendation in SECY 80-131 and is made in June 1980.

Projected safety reviews are generally scheduled to start 33 months prior to construction completion dates including time for ACRS review and hearings.

Projected environmental reviews are generally scheduled to start 24 months prior to construction completion dates including time for hearing.

For plants with construction completion dates before the end of 1982 the target schedules for OL review were developed, based on the NRC construction completion dates, on a plant specific basis to minimize delays in OL issuance.

FOOTNOTES FOR TABLE 1

E Denotes estimated date

* Date entered is for last supplement to SER/FES issued.

** Where two entries are made, first entry concerns radiological safety matters and second concerns environmental matters. A single entry indicates Hearing and/or ASLB decision considered both radiological and safety matters.

*** The difference in estimates for construction completion, between the applicant and NRC, is attributable to an independent assessment by the NRC staff of factors affecting construction completion. Generally, the NRC staff estimates are more conservative (i.e., later completion dates) and are based upon actual experience in constructing similar plants. Second unit of a dual unit facility is usually completed about 18 months after first unit.

(LP) denotes low power

(FP) denotes full power

(1) Applicant construction schedule slipped from 11/80 to 4/84 due to foundation problems with auxiliary building and financial considerations.

(2) Work stoppage order issued by NRC in August 1979 for QA-related problems on safety portions of facility. NRC estimates about 18 months before full-scale construction will resume. Thus, the large difference in construction complete dates.

(3) Environmental reviews for Sequoyah 1 and 2 were conducted under a lead agency agreement with TVA. TVA's final environmental statements (FES) incorporated and addressed the AEC's comments on the respective draft statements. The FES's were then accepted as the NEPA statements for the project.

(4) Schedule shown assumes hearing record will not be reopened for TMI-2 issues. If ASLB reopens record, full power OL issuance may be delayed.

(5) TVA's FES for Watts Bar 1 and 2 were considered to be the environmental report submitted to NRC. NRC then issued its own DES and FES for project.