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RECORD #115

TITLE: EPA Inspections for Compliance With ... NPDES Permits
Issued to NRC Licensees

FICHE: 38275-248

APR 1 1976

Glen D. Brown, Chief
Fuel Facility and Materials Safety Branch
Region IV

EPA INSPECTIONS FOR COMPLIANCE WITH NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS ISSUED TO NRC LICENSEES

This memorandum is in response to your Routing and Transmittal Slip, dated March 31, 1976, which enclosed letters from Gulf States Utilities Company and the Environmental Protection Agency, Region VI.

The EPA letter to Gulf States Utilities Company (an NRC licensee) stated that EPA intends to make periodic inspections to ascertain the degree of compliance by the licensee with the requirements of the NPDES permit, number LA0047112. EPA said their representatives would observe process operations, inspect monitoring and laboratory equipment and methods, collect samples, examine appropriate records, and would be concerned with related matters. Your referenced note indicated that perhaps EPA is outside their jurisdiction.

The purpose of this memorandum and enclosures is to point out that EPA is acting within their jurisdiction, under the authority and responsibility assigned to the EPA under Public Law 92-500, the Federal Water Pollution Control Act. We have enclosed extracts of pertinent portions of that Act, Section 308, "Inspections, monitoring and entry", Section 309, "Federal Enforcement," and Section 402, the "National Pollutant Discharge Elimination System". The NPDES permit system is implemented by EPA under Title 10, "Protection of the Environment," Code of Federal Regulations, Chapter I. We have not enclosed that information but would be glad to send it to you if you are interested.

Note that the EPA can grant the States the authority to issue NPDES permits, which gives those States the authority, having issued a NPDES permit to an NRC licensee, to inspect and assure compliance with such permits. (See 402.(b) on page 5 of the enclosure.)

Also note that Section 309, "Federal Enforcement," gives the EPA the authority to levy civil monetary penalties for noncompliance. (See 309.(b) on page 3 of the enclosure.)

Glen D. Brown

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A copy of this Memorandum is being furnished for information to other Regional Offices.

Please call me if you have any questions concerning this subject.

Leo B. Higginbotham, Chief
Safety and Environmental Programs
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Enclosures:
As stated

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