



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

October 3, 1988

Docket Nos. 50-413, 50-414
50-369, 50-370
50-269, 50-270, 50-287

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

Dear Mr. Mr. Tucker:

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, AND OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 - ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT - TEMPORARY EXEMPTION FROM THE SCHEDULAR REQUIREMENTS OF THE PROPERTY INSURANCE RULE EFFECTIVE OCTOBER 4, 1988 (10 CFR 50.54(w)(5)(i))

On August 5, 1987, the NRC published in the Federal Register a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose.

Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be completed by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

Enclosed is an Environmental Assessment and Finding of No Significant Impact relating to a temporary exemption from 10 CFR 50.54(w)(5)(i) for the Catawba Nuclear Station, Units 1 and 2, McGuire Nuclear Station, Units 1 and 2, and Oconee Nuclear Station, Units 1, 2, and 3.

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Mr. H. B. Tucker

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This assessment is being forwarded to the Office of Federal Register for publication.

Sincerely,

Original Signed By:

David. B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I-II

Enclosure: Environmental Assessment

cc w/enclosure:
See next page

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Mr. H. B. Tucker
Duke Power Company

Catawba Nuclear Station

cc:

A.V. Carr, Esq.
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

J. Michael McGarry, III, Esq.
Bishop, Liberman, Cook, Purcell
and Reynolds
1200 Seventeenth Street, N.W.
Washington, D. C. 20036

North Carolina MPA-1
Suite 600
3100 Smoketree Ct.
P.O. Box 29513
Raleigh, North Carolina 27626-0513

S. S. Kilborn
Area Manager, Mid-South Area
ESSD Projects
Westinghouse Electric Corp.
MNC West Tower - Bay 239
P.O. Box 355
Pittsburgh, Pennsylvania 15230

County Manager of York County
York County Courthouse
York, South Carolina 29745

Richard P. Wilson, Esq.
Assistant Attorney General
S.C. Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211

Piedmont Municipal Power Agency
100 Memorial Drive
Greer, South Carolina 29651

Mr. Michael Hirsch
Federal Emergency Management Agency
Office of the General Counsel
Room 840
500 C Street, S.W.
Washington, D. C. 20472

North Carolina Electric Membership
Corp.
3400 Sumner Boulevard
P.O. Box 27306
Raleigh, North Carolina 27611

Saluda River Electric Cooperative,
Inc.
P.O. Box 929
Laurens, South Carolina 29360

Senior Resident Inspector
Route 2, Box 179N
York, South Carolina 29745

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Mr. Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Karen E. Long
Assistant Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602

Spence Perry, Esquire
General Counsel
Federal Emergency Management Agency
Room 840
500 C Street
Washington, D. C. 20472

Mr. H. B. Tucker
Duke Power Company

McGuire Nuclear Station

cc:

Mr. A.V. Carr, Esq.
Duke Power Company
P. O. Box 33189
422 South Church Street
Charlotte, North Carolina 28242

Dr. John M. Barry
Department of Environmental Health
Mecklenburg County
1200 Blythe Boulevard
Charlotte, North Carolina 28203

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, North Carolina 28202

Mr. Dayne H. Brown, Chief
Radiation Protection Branch
Division of Facility Services
Department of Human Resources
701 Barbour Drive
Raleigh, North Carolina 27603-2008

Mr. Robert Gill
Duke Power Company
Nuclear Production Department
P. O. Box 33189
Charlotte, North Carolina 28242

J. Michael McGarry, III, Esq.
Bishop, Liberman, Cook, Purcell
and Reynolds
1200 Seventeenth Street, N.W.
Washington, D. C. 20036

Senior Resident Inspector
c/o U.S. Nuclear Regulatory Commission
Route 4, Box 529
Huntersville, North Carolina 28078

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, N.W., Suite 2900
Atlanta, Georgia 30323

S. S. Kilborn
Area Manager, Mid-South Area
ESSD Projects
Westinghouse Electric Corporation
MNC West Tower - Bay 239
P. O. Box 355
Pittsburgh, Pennsylvania 15230

Mr. H. B. Tucker
Duke Power Company

Oconee Nuclear Station
Units Nos. 1, 2 and 3

cc:

Mr. A. V. Carr, Esq.
Duke Power Company
P. O. Box 33189
422 South Church Street
Charlotte, North Carolina 28242

Mr. Paul Guill
Duke Power Company
Post Office Box 33189
422 South Church Street
Charlotte, North Carolina 28242

J. Michael McGarry, III, Esq.
Bishop, Liberman, Cook, Purcell & Reynolds
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
Suite 525
1700 Rockville Pike
Rockville, Maryland 20852

Manager, LIS
NUS Corporation
2536 Countryside Boulevard
Clearwater, Florida 33515

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Route 2, Box 610
Seneca, South Carolina 29678

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, N.W., Suite 2900
Atlanta, Georgia 30323

Mr. Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Office of Intergovernmental Relations
116 West Jones Street
Raleigh, North Carolina 27603

Honorable James M. Phinney
County Supervisor of Oconee County
Walhalla, South Carolina 29621

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANY, ET AL.CATAWBA NUCLEAR STATION, UNITS 1 AND 2DOCKET NOS. 50-413 and 50-414ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACTCONCERNING EXEMPTION FROM10 CFR 50.54(w)(5)(i)

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(5)(i) to Duke Power Company (the licensee) for the Catawba Nuclear Station, Units 1 and 2, located at the licensee's site in York County, South Carolina.

ENVIRONMENTAL ASSESSMENTIdentification of Proposed Action:

On August 5, 1987, the NRC published in the FEDERAL REGISTER a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose. Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship

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provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be effective by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Need for The Proposed Action:

The exemption is needed because insurance complying with requirements of 10 CFR 50.54(w)(5)(i) is unavailable and because the temporary delay in implementation allowed by the exemption and associated rulemaking action will permit the Commission to reconsider on its merits the trusteeship provision of 10 CFR 50.54(w)(4).

Environmental Impacts of the Proposed Action:

With respect to radiological impacts on the environment, the proposed exemption does not in any way affect the operation of licensed facilities. Further, as noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the

period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage already is prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

The proposed exemption does not affect radiological or nonradiological effluents from the site and has no other nonradiological impacts.

Alternatives to the Proposed Action:

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources:

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted:

The staff did not consult other agencies or persons in connection with the proposed exemption.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For information concerning this action, see the proposed rule (53 FR 36338), and the exemption which is being processed concurrent with this notice. A copy of the exemption will be available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C., and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland this 3rd day of October 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I/II

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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYMCGUIRE NUCLEAR STATION, UNITS 1 AND 2DOCKET NOs. 50-369 AND 50-370ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACTCONCERNING EXEMPTION FROM10 CFR 50.54(w)(5)(i)

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(5)(i) to Duke Power Company (the licensee) for the McGuire Nuclear Station, Units 1 and 2, located at the licensee's site in Mecklenburg County, North Carolina.

ENVIRONMENTAL ASSESSMENTIdentification of Proposed Action:

On August 5, 1987, the NRC published in the FEDERAL REGISTER a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose. Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship

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provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be completed by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Need for The Proposed Action:

The exemption is needed because insurance complying with requirements of 10 CFR 50.54(w)(5)(i) is unavailable and because the temporary delay in implementation allowed by the exemption and associated rulemaking action will permit the Commission to reconsider on its merits the trusteeship provision of 10 CFR 50.54(w)(4).

Environmental Impacts of the Proposed Action:

With respect to radiological impacts on the environment, the proposed exemption does not in any way affect the operation of licensed facilities. Further, as noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the

period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage already is prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

The proposed exemption does not affect radiological or nonradiological effluents from the site and has no other nonradiological impacts.

Alternatives to the Proposed Action:

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources:

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted:

The staff did not consult other agencies or persons in connection with the proposed exemption.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For information concerning this action, see the proposed rule (53 FR 36338), and the exemption which is being processed concurrent with this notice. A copy of the exemption will be available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte, (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland this 3rd day of October 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects -I/II

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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYOCONEE NUCLEAR STATION, UNITS 1, 2 AND 3DOCKET NOS. 50-269, 50-270, AND 50-287ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACTCONCERNING EXEMPTION FROM10 CFR 50.54(w)(5)(i)

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(5)(i) to Duke Power Company (the licensee) for the Oconee Nuclear Station, Units 1, 2, and 3, located at the licensee's site in Oconee County, South Carolina.

ENVIRONMENTAL ASSESSMENTIdentification of Proposed Action:

On August 5, 1987, the NRC published in the FEDERAL REGISTER a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose. Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship

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provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be effective by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Need for The Proposed Action:

The exemption is needed because insurance complying with requirements of 10 CFR 50.54(w)(5)(i) is unavailable and because the temporary delay in implementation allowed by the exemption and associated rulemaking action will permit the Commission to reconsider on its merits the trusteeship provision of 10 CFR 50.54(w)(4).

Environmental Impacts of the Proposed Action:

With respect to radiological impacts on the environment, the proposed exemption does not in any way affect the operation of licensed facilities. Further, as noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the

period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage already is prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

The proposed exemption does not affect radiological or nonradiological effluents from the site and has no other nonradiological impacts.

Alternatives to the Proposed Action:

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources:

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted:

The staff did not consult other agencies or persons in connection with the proposed exemption.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For information concerning this action, see the proposed rule (53 FR 36338), and the exemption which is being processed concurrent with this notice. A copy of the exemption will be available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C., and at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Dated at Rockville, Maryland this 3rd day of October 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects -I/II

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09/16/88

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