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SUBJECT: Requests that NRC not impose App B environ plan. Issues already adequately addressed in NPDES permit program.

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Carolina Power & Light Company

JAN 27 1989

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United States Nuclear Regulatory Commission
ATTENTION: Document Control Desk
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

Gentlemen:

By letter dated October 18, 1985, Carolina Power & Light Company (CP&L) responded to the NRC proposed "H. B. Robinson Steam Electric Plant Unit No. 2 - Environmental Protection Plan." NRC intended that this Plan would constitute Appendix B to the Facility Operating License. However, CP&L requested that the proposed Appendix B not be included in the license since the areas addressed in the Plan are adequately controlled within the jurisdiction of the U. S. Environmental Protection Agency (EPA). This approach was sanctioned in the Atomic Safety & Licensing Appeal Board decision: In the Matter of Carolina Power & Light Co., ALAB-569, 10 NRC 557 (October 31, 1979) . . . "once EPA assumed its full role under the Federal Water Pollution Control Act Amendments of 1972, there would, by virtue of Section 511(c)(2) of that Act, be little left for this agency [NRC] to do in that sphere." (icl. at 560).

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 had delegated the authority to issue NPDES permits to the states and the plant currently operates under the provisions of a permit granted by the state of South Carolina.

For these reasons, CP&L believes that the NRC should not impose an Appendix B Environmental Plan that is already adequately addressed by the NPDES Permit Program. In order to keep the NRC apprised of the status and developments in the non-radiological environmental protection area, CP&L will in the future provide the NRC with copies of any changes to the NPDES discharge permit and any violations requiring notification to the permitting agency.

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If you have any questions concerning this matter, please contact Mr. R. W. Prunty at (919) 836-7318.

Yours very truly,



L. I. Loflin
Manager

Nuclear Licensing Section

DBB/crs (169CRS)

cc: Mr. M. L. Ernst
Mr. R. Lo
Mr. L. Garner (NRC - HBR)