



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545

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In the Matter of
Puget Sound Power & Light Company, et al.
(Skagit Nuclear Power Project, Units 1 and 2)
Docket Nos. STN 50-522 and STN 50-523

Dear Mr. Busch:

This is in response to your letter to me dated January 29, 1980 in which you requested information concerning the composition of the piping in the cooling system and data with respect to chemical loadings and temperature at various points through the cooling system.

With respect to the composition of the piping in the cooling system, the NRC Staff was informed by the applicant (ER Amendment 1) that stainless steel will be used for the condenser tubes in place of the Admiralty metal originally specified. The Staff does not expect that the stainless steel tubes will add detectable quantities of corrosion products to the plant discharge. Concrete piping materials will also not contribute any corrosion products to the plant discharge. However, metals such as copper, zinc, chromium and arsenic are already present in trace amounts in the river water and will be concentrated by a factor of approximately four in the discharge. The Staff's evaluation of the project discharge have been presented in the Skagit Final Environmental Statement (NUREG-75/056) and in supplemental testimony before the Licensing Board.

As you probably aware, the Commission cannot issue any license or permit for the Skagit facility unless, in compliance with §401 of the Federal Water Pollution Control Act (FWPCA), the State of Washington either certifies (a) that there are no applicable effluent limitations or standards under §§ 301, 302, 306 and 307 of the FWPCA, or (b) that there are such applicable standards and limitations and the discharge from Skagit will comply with these standards and limitations or; in the alternative, waives certification. On May 7, 1976, the Washington State Thermal Power Plant Site Evaluation Council issued a FWPCA §401 Certification which shows that any discharge from the Skagit facility will be in compliance with the applicable standards and limitations of the FWPCA and will not violate the applicable Water Quality Standards of the State of Washington. In addition, in accordance with the

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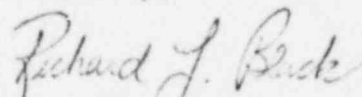
FWPCA §402, the applicant has obtained a final National Pollutant Discharge Elimination System (NPDES) permit which establishes both effluent limitations and monitoring requirements for the Skagit facility. Accordingly, since the State of Washington has certified that the Skagit discharge will meet applicable water quality standards and a final NPDES permit has been issued, the Staff has not assessed thermal and chemical compositions or loadings in the cooling system prior to discharge.

In a series of recent NRC decisions considering the question of water quality requirements,^{*} it has been held that by virtue of Section 511(C)(2) of the Federal Water Pollution Control Act Amendments of 1972, EPA, or those States to whom permitting authority has been delegated, have been given exclusive responsibility for water quality protection and that the regulation of water quality lies in the NPDES permit system. The NRC's role in the water quality area is limited, according to these decisions, to the weighing of aquatic impacts as part of its NEPA cost-benefit balance in its licensing decision. That role does not include any NRC right for "undertaking its own analysis and reaching its own conclusion on water quality issues already decided by EPA" (8 NRC at 715).

The Staff recognizes that the Skagit Tribes still have outstanding concerns regarding the effects of the facility discharge on the fisheries of the Skagit River. However, we would suggest that you obtain more detailed information on the cooling system and the discharge from either the applicant or the State of Washington which has the authority to impose effluent limitations and monitoring requirements on Skagit discharges.

If I can be of any further assistance regarding this matter, please let me know.

Sincerely,



Richard L. Black
Counsel for NRC Staff

cc: Service List

^{*}/ Tennessee Valley Authority (Yellow Creek Nuclear Plant, Units 1 and 2), ALAB-515, 8 NRC 702 (1978); Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Unit 3), ALAB-532, 9 NRC 279 (1979); and Carolina Power & Light Co. (H.B. Robinson, Unit No. 2), ALAB-569, 10 NRC 577 (1979).