

Omaha Public Power District
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402/636-2000

March 9, 1994
LIC-94-0060

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
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Washington, DC 20555

- References:
1. Docket No. 50-285
 2. Letter from NRC (R. A. Clark) to OPPD (W. C. Jones) dated March 11, 1983
 3. Letter from OPPD (W. C. Jones) to NRC (R. A. Clark) dated April 15, 1983 (LIC-83-086)

Re: Docket No. 50-285

SUBJECT: Notification to NRC of NPDES Permit Violations and Changes

The purpose of this letter is to revise the status of a commitment concerning the National Pollutant Discharge Elimination System (NPDES) permit for Fort Calhoun Station (FCS). This commitment dates from the deletion in 1983 of water quality-related requirements of the Appendix B Environmental Technical Specifications for FCS. The NRC requested the following commitment in the Reference 2 transmittal letter for Amendment 69 to the FCS Facility Operating License:

We concur in the deletion of the aquatic requirements and will rely on the NPDES permit system which is administered by EPA for regulation and protection of the aquatic environment. However, the NRC staff still wishes to remain informed about any changes in your NPDES permit and any violations of this permit. Accordingly, as discussed with your staff, you have agreed to provide NRC with a copy of any changes to the NPDES discharge permit and any permit violations requiring notification to the permitting agency at the time this information is reported to or received from the permitting agency. This information is to be submitted to the appropriate Regional Administrator with a copy to the Director, Office of Nuclear Reactor Regulation.

Please confirm this commitment in writing within 30 days of receipt of this letter.

Omaha Public Power District (OPPD) confirmed the commitment in Reference 3:

...the District has initiated procedure changes to ensure that a copy of all NPDES permit violations and changes will be provided to the Director, U. S. Nuclear Regulatory Commission, Region IV, with a copy to the Director, Office of Nuclear Reactor Regulation.

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U. S. Nuclear Regulatory Commission
LIC-94-0060
Page 2

OPPD has been reviewing and updating the status of various licensing basis commitments as part of developing our Ongoing Commitment Program. As a result of this review, OPPD has determined that the intent of the Reference 3 commitment is currently met by compliance with other NRC requirements.

On August 29, 1983, the NRC issued the final rule for 10 CFR 50.72, Immediate Notification Requirements of Significant Events at Operating Nuclear Power Reactors. Included was 10 CFR 50.72(b)(2)(vi), which requires the notification of the NRC within 4 hours of:

Any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made.

FCS Standing Orders R-8, Reporting Hazardous Material and NPDES Violations, and R-11, Notification of Significant Events, contain provisions for compliance with this regulation.

The Reference 3 commitment pre-dated the similar guidance in 10 CFR 50.72 for notification to NRC of significant environmental events, such as those involving a violation of the NPDES permit. OPPD's compliance with 10 CFR 50.72(b)(2)(vi) ensures that the NRC is notified of NPDES permit violations or noncompliances reported to the State of Nebraska. Documentation of permit changes or violations is available for review by NRC inspectors when requested.

Based on the information provided above, OPPD concludes that the Reference 3 commitment does not appear to be cost-effective for either the NRC or OPPD, and that it therefore should be rescinded. Unless the NRC disagrees, this commitment will be removed from OPPD's database of active licensing basis commitments effective March 11, 1994.

Please contact me if you have any questions.

Sincerely,

W. G. Gates

W. G. Gates
Vice President

WGG/tcm

c: LeBoeuf, Lamb, Greene & MacRae
L. J. Callan, NRC Regional Administrator, Region IV
R. P. Mullikin, NRC Senior Resident Inspector
S. D. Bloom, NRC Project Manager