

February 14, 1983

Docket: 50-267

Mr. O. R. Lee, Vice President
Electric Production
Public Service Company of Colorado
P.O. Box 840
Denver, Colorado 80201

Dear Mr. Lee:

SUBJECT: FORT ST. VRAIN NUCLEAR GENERATING STATION, AMENDMENT NO. 32
TO FACILITY OPERATING LICENSE DPR-34

The Commission has issued the enclosed Amendment No. 32 to Facility Operating License DPR-34 for the Fort St. Vrain Nuclear Generating Station in partial response to your application for amendment dated January 2, 1981 (P-81001).

This amendment revises the Appendix B Environmental Technical Specifications (ETS) to delete the non-radiological, water quality-related requirements contained in the current ETS.

Your basis for the requested deletion of water quality limits and monitoring programs is that these aquatic requirements are now under the jurisdiction of the U.S. Environmental Protection Agency (EPA) as established by the Federal Water Pollution Control Act Amendment of 1972. The NRC has taken the position that water quality conditions in existing reactor operating licenses should be removed as a matter of law where the licensee holds, as you do, an effective National Pollutant Discharge Elimination System (NPDES) Permit (Permit Number CO-0001121).

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.

The remaining requirements contained in the Appendix B Technical Specifications, for which you requested deletion, will be the subject of future correspondence.

Within 90 days after the effective date of this amendment, or such later time as the Commission may specify, the licensee shall satisfy any applicable requirement of P.L. 97-425 related to pursuing an agreement with the Secretary of Energy for the disposal of high-level radioactive waste and spent nuclear fuel.

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We have determined that the deletion of these water quality requirements is a ministerial action required as a matter of law. We have determined that these changes do not authorize a change in effluent types or total amounts nor an increase in power level, and will not result in any significant environmental impact. Having made this determination, we have further concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

Since this amendment applies only to the deletion of water quality requirements, we have concluded that: (1) because the amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously, and does not involve a significant reduction in a margin of safety, the amendment does not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Sincerely,

151 Philip C. Wagner

Philip C. Wagner, Project Manager
Reactor Project Branch 1

Enclosures:

1. Amendment No. 32 to DPR-34
2. Notice of Issuance

cc w/encls: See next page

RPB-1:MA
EMHaycraft
2/9/83

RPB-1:PM *aw*
PCWagner
2/9/83

RPB-1:BC *gm*
GLMadsen
2/9/83

OELD *HL*
2/14/83

DRRPEP:DIR
JEGagliardo
2/11/83

[Handwritten signature]

DISTRIBUTION: Letters to Licensees Transmitting Amendments/Correction Ltrs

Docket File

TIDC:DMB (for admin. dist.)

NRR: R. Clark, ORB-3

NRR: C. Trammell, ORB-3

NRR: P. Kreuzer, ORB-3

NRR: R. Vollmer, DE

NRR: R. Mattson, DSI

NRR: S. Hanauer, DST

NRR: H. Thompson, DHFS

NRR: K. Eccleston, ORB-2

OELD

ACRS (10)

SECY (w/original and 12 cys of FRN for amendments)

ASLAB

L. Schneider, DMB

R. Diggs, LFMB

D. Brinkman, LGB

C. Miles, PA

C. Thomas, CRBRPO

E. Jordan, IE

L. Harmon, IE (2)

J. Gagliardo, RIV

G. Madsen, RIV

P. Wagner, RIV

T. Westerman, RIV

E. Haycraft, RIV (3)

RPB-1 rdg

RIV gray file

R. Ballard, NRR (environmental changes)

R. Ferguson, NRR (fire protection issues)

J. Heltemes, AEOD (operational issues)

cc: Service List

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cc list

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