



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
SUPPORTING AMENDMENT NO. 38 TO FACILITY OPERATING LICENSE NO. DPR-22
NORTHERN STATES POWER COMPANY
MONTICELLO NUCLEAR GENERATING PLANT
DOCKET NO. 50-263

1.0 INTRODUCTION

By letter dated July 23, 1982, and revised on November 24, 1982, Northern States Power Company (NSP) transmitted a Technical Specification Change Request to amend Appendix A of Facility Operating License No. DPR-22. The change under consideration includes (a) deletion of Section 6.7.C.2 concerning the reporting requirement for an Annual Nonradiological Environmental Monitoring and Ecological Studies Program Report, (b) renumbering Section 6.7.C.3 Special Reports to Section 6.7.C.2 Special Reports, and (c) incorporating a new Section 6.7.C.3 Other Environmental Reports (non-radiological, nonaquatic) into the existing Appendix A Technical Specifications. The requested change is intended to comply with the Atomic Safety and Licensing Appeal Board (ASLAB) Yellow Creek decision which held as a matter of law that the NRC did not have the requisite responsibilities in the water quality area (ASLAB-515, 8NRC792). The change also provides for new reporting requirements on nonradiological, nonaquatic environmental events, which might occur on the plant site, to substitute for Environmental Technical Specifications.

2.0 EVALUATION

On December 16, 1974, the licensee proposed a license amendment to include reporting requirements (T/S 6.7.C.2) in the nonradiological water quality area in response to the then-current Regulatory Staff position that plants without Appendix B T/S should have "Appendix B reports." This request was granted in License Amendment No. 22 to the Provisional Operating License No. DPR-22 on July 23, 1976.

Water quality requirements, however, are addressed in the National Pollutant Discharge Elimination System (NPDES) Permit No. MN0000868 issued on August 26, 1977 and reissued on February 28, 1983 by the Minnesota Pollution Control Agency, the state permitting agency under the U.S. Environmental Protection Agency. The State of Minnesota thus regulates and protects the aquatic environment under the NPDES permit system. The NPDES permit contains nonradiological effluent limitations and monitoring requirements, ecological monitoring, together with reporting and administrative requirements.

The staff concurs in the deletion of the reporting requirement of nonradiological water quality monitoring and ecological studies as requested by the licensee inasmuch as this requirement is duplicative of requirements in the NPDES permit. On this basis, Section 6.7.C.2 serves no

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useful purpose and may be deleted from Appendix A of the license. This action is in accordance with the Yellow Creek ASLAB Decision and other Appeal Board Decisions (see Robinson, ASLAB-569, 10 NRC 557). The NRC staff has informed the State of Minnesota of our decision to delete this reporting requirement.

By deletion of Section 6.7.C.2, we also concur that Section 6.7.C.3 Special Reports can be renumbered to be Section 6.7.C.2.

The licensee further requested that reporting requirements to notify the NRC of significant nonradiological, nonaquatic events such as excessive bird impaction, onsite plant or unusual disease outbreaks, unusual mortality of any species protected by the Endangered Species Act of 1973, and excessive environmental impact caused by herbicide applications to transmission corridors associated with the plant should be incorporated into Appendix A as a new Section 6.7.C.3. The principal objectives of these reporting requirements are as follows:

1. Verify that the plant is operated in an environmentally acceptable manner, as established by the Final Environmental Statement (FES) and other NRC environmental impact assessments.
2. Coordinate NRC requirements and maintain consistency with other Federal, State, and local requirements for environmental protection.
3. Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

The NRC staff concurs with the licensee to include these additional reporting requirements as a part of the Technical Specifications, Appendix A of the license.

3.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements and deletes water quality requirements subject to the provisions of the Federal Water Pollution Control Act. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10) and (17). Pursuant to 10 CFR 51.22(b) no environmental impact statement nor environmental assessment need be prepared in connection with the issuance of this amendment.

4.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) 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 nor to the health and safety of the public.

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Dated: February 12, 1986