

March 4, 2002

Mr. Thomas McGinley
Pennsylvania Department
of Environmental Protection
Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428

Dear Mr. McGinley:

I am responding to your e-mail dated February 6, 2002, sent to the Nuclear Regulatory Commission's (NRC's) allegations e-mail address. In your e-mail, you informed the NRC staff that your organization, the Pennsylvania Department of Environmental Protection (PA DEP), has received e-mails from the public about the construction of a proposed 500 megawatt combined-cycle power plant that will be sited near the Limerick Generating Station (LGS), Units 1 and 2. You stated the public was concerned that the combined-cycle power plant would make the LGS an enhanced target for a terrorist attack. You also stated that the matter was beyond the scope of the environmental statutes implemented by the PA DEP. Your e-mail contained a representative example of messages received from numerous citizens of Limerick Township. You requested that the NRC comment on the concerns expressed in the message, or take some other appropriate action.

The NRC staff does not consider the information contained in the message to be an allegation. Further, the staff does not believe any actions on the part of the NRC are appropriate at this time because the concerns that were expressed in the message were related to the review of a state licensing matter (i.e., the final air quality permit) and not a licensing activity currently under review by the NRC.

Under the NRC's regulatory framework for oversight of nuclear power plants, the licensee has the burden to determine the impact of the proposed combined-cycle power plant on the safe operation of LGS, and inform the cognizant State and Federal authorities, as appropriate. The licensee is also required to notify the NRC should the licensee determine that the proposed combined-cycle power plant would have an affect on LGS that results in a significant impact on public health and safety. This framework notwithstanding, the NRC has an independent duty to ensure public health and safety and may, on its own, review available information and make a decision on the appropriateness of an action affecting a nuclear power plant. If the licensee does determine that some aspect of the proposed combined-cycle facility necessitates an NRC review, the NRC will perform the review and take actions as appropriate, including actions consistent with the agency's approach to handling terrorist activities.

As to your underlying concern regarding the security and safety of LGS in light of the generalized high-level threat environment, NRC Chairman, Richard A. Meserve, had directed the NRC staff to reevaluate the agency's safeguards and physical security programs thoroughly in a top-to-bottom review. While this review is continuing, on February 25, 2002, the NRC issued Orders to all commercial nuclear power plants and other key nuclear facilities to implement

interim compensatory security measures for the generalized high-level threat environment. The Commission views these compensatory measures as prudent, interim measures to address the generalized high-level threat environment in a consistent manner throughout the nuclear reactor community. Some of these requirements formalize the security measures that NRC licensees had taken in response to advisories issued by the NRC in the aftermath of the September 11 terrorist attacks. The Orders provide assurances that licensees will maintain those enhanced security measures that the NRC deems advisable until the NRC determines that the generalized high-level threat environment has changed.

I trust that this information will be useful to you in addressing the concerns of the citizens of Limerick Township regarding the combined-cycle power plant. If you have any questions regarding this information, please contact the Limerick Project Manager, Christopher Gratton, at 301-415-1055.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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*See Previous Concurrence

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