

July 27, 2007

DOCKETED
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August 8, 2007 (4:54pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Paul O. Swartz
Executive Director
Susquehanna River Basin Commission
1721 North Front Street
Harrisburg, PA 17102-2391

**Eric Joseph Epstein's Notice of Intent to File A Petition
in Opposition to PPL Susquehanna, LLC Application for
Surface Water Withdrawal Request to Modify Application
19950301-EPUL-0572**

Dear Mr. Swartz:

Eric Joseph Epstein is presently a Petitioner before the United States Regulatory Commission's ("NRC") in the matter of the PPL Susquehanna LLC ("PPL") Proposed Amendment Requests for the Susquehanna Steam Electric Station's 1 & 2 Would Increase Thermal Power to 3,952 Mega-Watts Which is 20% Above the Original Rated Thermal Power (RTP) 3293 MWt, and Approximately 13% Above the Current RTP of 3,489 MWt, Docket Nos. 50-387 PLA-6110 and 50-388, officially announces his intent to file a Petition in Opposition to PPL Susquehanna's, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPUL-0572, on August 1, 2007.

After repeated requests and attempts to resolve numerous water use, water safety, and interagency issues with PPL Susquehanna and the Nuclear Regulatory Commission, it has become apparent to Mr. Epstein through filings, petitions, responses, and oral argument, that neither the NRC or PPL will address outstanding issues and noncompliance violations. The NRC has either relegated water use, water safety, and interagency issues to the domain of the Susquehanna River Basin Commission ("SRBC"), or deemed these challenges outside the scope of the present Nuclear Regulatory Commission uprate proceeding.

TEMPLATE= SELV-043

SELY-02

It is important that the SRBC has ample time to evaluate Mr. Epstein's contentions while a parallel NRC proceeding has deferred or failed to act on water use, water safety and interagency. (1) Unfortunately, no "agreement" or "understanding" between the NRC and the SRBC has been executed relating to the conduct of "respective reviews in a cooperative, coordinated manner." (2)

1 On June 12, 2007, PPL and NRC filed Responses in opposition to Mr. Epstein's Contentions on June 5, 2007. Mr. Epstein's technical Contention 1 stated:

PPL failed to consider the impact of the proposed uprate on certain state and federal water use issues, and the potential impact these regulations will have on water flow, water volume and surface water withdrawal for the SSES's cooling systems. The traditional implications of the Pennsylvania Public Utility Commission ("Pa PUC") policy and regulations relating to "withdraw and treatment" of water, i.e., referred to as "cost of water" under the Public Utility Code, Title 66, have to be factored in this application absent a PUC proceeding as well as Act 220 water usage guidelines. PPL has not established (nor has the NRC reviewed) compliance milestones for EPA's Act 316 (a) or 316 (b) and their impact on power uprates at the Susquehanna Electric Steam Station. (5) State and federal regulations which many impact, constrict or restrict water flow that would adversely impact cooling systems at the plant, and lead to health and safety challenges for local communities.

NRC staff alleged that Mr. Epstein's contention (T-1) is "outside of the scope" and "not material" to this proceeding, and that there is not enough information to establish a "genuine dispute." Furthermore, the NRC erroneously alleged that "vague data" and references to "anticipated enactment of state regulations" do not provide sufficient information. (NRC Staff, p. 8) NRC Staff misinterpreted and omitted contrary findings relating to state, Basin and federal regulations, and creates a specious syllogism by stating, "Petitioner offers no support for his assertion that PPL must anticipate a future a law..." (Staff, p. 10.)

2 "Timing of SRBC Project Approvals Vis-à-Vis Signatory Approvals," Policy No. 9501, May 11, 1995.

However, many of the water use, water safety and interagency issues Mr. Epstein raised in the NRC proceeding are **not** covered in PPL's Application For Surface Water Withdrawal Request to Modify Application 19950301-EPUL-0572 (Enclosure 1). Unfortunately, the NRC staff remains steadfast in their opposition to follow-up meetings or conversations with the SRBC to resolve outstanding water use, water safety, and interagency issues. During the Prehearing Conference convened on July 10, 2007, Susan Uttal, Counsel to the NRC, was clear that the staff has **no intention of following up and meeting with the SRBC to resolve these outstanding issues.** (3)

Absent artificial financial deadlines established by the applicant (4), there is no rush to approve PPL's SRBC's application dated December 20, 2006 until all outstanding issues are properly vetted and examined. PPL's financial calculation to factor the "increased generation output into its projected long-term compound annual growth rate of 11% and its 2010 earnings target of \$3.50 per share" (5) should not come at the expense of a thorough and exhaustive due diligence review by the SRBC.

PPL failed to consider the impact of the proposed uprate on state and federal water use issues, and the potential impact these regulations will have on water flow, water volume and surface water withdrawal for the SSES's cooling systems as well water safety and numerous state and federal interagency issues.

3 PPL Susquehanna's requests before the NRC and the SRBC would extend the license of Susquehanna Unit 1 and 2 for an additional 20 years beyond the current expiration dates on July 17, 2022 and March 23, 2024.

4 U.S. Nuclear Regulatory Commission Atomic Safety & Licensing Board Panel, Initial Prehearing Conference In the Matter of the PPL Susquehanna LLC, (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388-OLA, ASLBP No. 07854-01-BD01, July 10 2007: Judge G. Paul Bolwerk, III, Chairman.

5 PPL Press release, October 17, 2006.

Mr. Epstein's Petition will be filed on August 1, 2007 and request that PPL's request be held in abeyance until:

1) PPL files a formal request with the Susquehanna River Basin Commission for the 2001 uprate increase at the SSES. PPL neglected to seek approval for the 2001 uprate at the SSES.

PPL never received approval from Susquehanna River Basin Commission for the "The proposed license amendment would revise the FOLs and Technical Specifications (TS) of SSES, Units 1 and 2, to allow the licensee to increase the licensed core power level from 3441 MWt to 3489 MWt, which represents a 1.4 percent increase in the allowable thermal power."

PPL is currently in violation of SRBC regulations." (6) The Commission has a charge to enforce **§ 803. 42 and § 803.44 relating to** approval and a reporting requirement for surface water withdrawal. PPL's existing surface water withdrawal **predates the effective date of SRBC 803.44. However the increase in water withdrawal from the River and Cowanesque Lake, triggers commission review and approval.**

2) Applicable penalties are assessed and published consistent with PPL's failure to apply and receive necessary approvals for the SRBC. These sanctions should be based on the Peach Bottom Model (Enclosure 2), and be consistent with Policy No. 92-01, Clarification of Current Consumptive Water Use Regulation, November 19, 1992.

6 Mr. Epstein has found no public documents that indicate PPL Susquehanna filed an application for review and received approval form before the SRBC. Please refer to Enclosure 3: "PPL Susquehanna, LLC; Susquehanna Steam Electric Station Environmental Assessment and Finding of No Significant Impact [Federal Register: June 25, 2001 (Volume 66, Number 122)] [Notices] [Page 33716-33717] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr25jno1-100], NUCLEAR REGULATORY COMMISSION , [Docket Nos. 50-387 and 50-388], PPL Susquehanna, LLC; Susquehanna Steam Electric Station, Environmental Assessment and Finding of No Significant Impact."

3) PPL and the NRC must coordinate with the SRBC and address the 2001 uprate. This "inaction" establishes a deleterious precedent and could constitute *de facto* approval of PPL's original water use permits. Failure of the SRBC to act on 2001 uprate could be viewed as a pretext to circumvent state (Act 220) and federal statutes (316 (a) and 316 (b)).

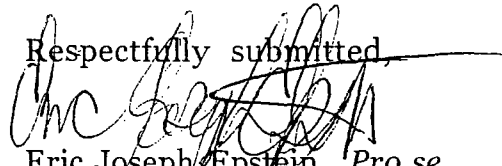
4) The SRBC must investigate the impact of the Environmental Protection Agency' (EPA) 316 (a) and 316 (b) compliance milestones on PPL's present request. PPL has not established (**nor has the NRC reviewed**) compliance milestones for EPA's Act 316 (a) or 316 (b), and their impact on power uprates at the Susquehanna Electric Steam Station.

5) The PUC must be consulted. The traditional implications of the Pennsylvania Public Utility Commission ("Pa PUC") policy and regulations relating to "withdraw and treatment" of water, i.e., referred to as "cost of water" under the Public Utility Code, Title 66, have to be factored in this application absent a PUC proceeding. "Reasonableness of cost" and permission to charge a rate to any customer class (based on the provision of "reasonable service") has been absented from the SRBC and NRC applications. PPL Susquehanna requires permission to withdraw water, but it also uses public water as a key component in a profit making enterprise.

6) The SRBC must examine the impact of possible water budget enacted by Act 220 on the on PPL's 2006 uprate request. Act 220 of 2002 mandates that the Department of Environmental Protection update the state water plan by 2008. "The Environmental Quality board will adopt regulations addressing water use registration, period reporting and record keeping (Section 3118), and the DEP is authorized "to enforce the Act." It also "establishes the duty of any person to proceed diligently in compiling with orders of the DEP." (Section 3133)

PPL will need to provide an action plan or water amendment in the event the proposed uprate creates competing water demands in "water budgeted" areas. Mr. Epstein is seeking to include an evaluation of the Uprate on Act 220, SRBC § 803.42 and § 803.44, and the potential of the uprate to harm a fragile, unique and endangered aquatic system that is the Susquehanna River.

Respectfully submitted,


Eric Joseph Epstein, Pro se
4100 Hillsdale Road
Harrisburg, PA 17112

I hereby certify that on July 27 , 2007, a copy of Eric Joseph Epstein's Notice of Intent to File A Petition in Opposition to PPL Susquehanna's, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPUL-0572 the matter of the PPL Susquehanna LLC Proposed Amendment Requests for the Susquehanna Steam Electric Station's 1 & 2 was sent via electronic mail and by overnight delivery with tracking numbers to:

Michael Brownell
Chief, Water Resource Management Division
Susquehanna River Basin Commission
1721 North Front Street
Harrisburg, Pa 17102-2391

Paul E. Russell, Esquire
PPL Electric Utilities Corporation
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cc:

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ENCLOSURE 1



Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed

PROJECT INFORMATION

1. Applicant Information:

Applicant Name or Registered Fictitious Name PPL Susquehanna, LLC
Parent Corporation Name, if different PPL Corporation
Mailing Address Two North Ninth Street
GENPL5
City Allentown State PA Zip 18101-1179
Contact Person Jerome S. Fields, REM Title Sr. Environmental Scientist - Nuclear
Telephone (610) 774-7889 Fax (610) 774-7782 E-Mail jsfields@pplweb.com

2. Preparer (Hydrogeologist/Engineer):

Name Jan C. Phillips, P.E.
Title _____
Company Jan C. Phillips, P.E.
Address 2611 Walnut Street
Allentown, PA 18104-0160
Phone (610) 821-0160 Fax (610) 821-0160
Signature [Signature]
Date 12-19-06 E-Mail Address jcphllps@enter.net

3. Project Engineer:

Name N/A
Title _____
Company _____
Address _____

Phone () _____ Fax () _____
Signature _____
Date _____ E-Mail Address _____

ENCLOSURE 2



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

Docket No. 20061209

Approval Date: December 05, 2006

EXELON GENERATION CO. LLC— PEACH BOTTOM ATOMIC POWER STATION

Surface Water Withdrawal of up to 2,363.620 mgd, from Conowingo Reservoir,
Drumore Township, Lancaster County, Pennsylvania,
and Consumptive Water Use of up to 32.490 mgd (Peak Day)
for Power Plant Operation at the Peach Bottom Atomic Power Station,
Drumore Township, Lancaster County, and
Peach Bottom Township, York County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and Susquehanna River Basin Commission (Commission) Regulations §803.4, relating to projects requiring review and approval; §803.42, relating to the consumptive use of water; and §803.44, relating to surface water withdrawals. The Commission received the surface water withdrawal and consumptive water use application on October 3, 2006.

Description

Purpose. The purpose of the application is to request approval for consumptive water use and surface water withdrawal for processes related to operations at the Peach Bottom Atomic Power Station (PBAPS).

Location. The project is located in the Susquehanna Subbasin, HUC 02050306, Drumore Township, Lancaster County, and Peach Bottom Township, York County, Pennsylvania.

Project Features. The project sponsor has requested approval for continued consumptive water use of up to 32.490 million gallons per day (mgd) on a peak day. The project sponsor has also requested approval for a surface water withdrawal of up to 2,363.620 mgd (peak day) from Conowingo Reservoir.

The project consists of two nuclear-powered, base-load electric generating units known as Unit 2 and Unit 3. Unit 2 is rated at 1,112 megawatts, and Unit 3 is rated at 1,112 megawatts. Units 2 and 3 at PBAPS began operation in July and December 1974, respectively, and have

open-cycle cooling systems with evaporative cooling towers that are used intermittently depending on metrological and reservoir conditions. PBAPS is approved by the Commission to consumptively use water in accordance with Resolution 93-04. Consumptive water use at PBAPS results from evaporation from detention basins, thermal loading on the reservoir surface, along with evaporation and drift losses when the cooling towers are in operation. Under the terms of Resolution 93-04, adopted by the Commission on September 16, 1993, the consumptive water use compensation provided by PBAPS through releases at the Conowingo Dam was determined to satisfy the Commission's compensation requirement for the existing operation.

Currently, consumptive water use makeup, as approved under Resolution 93-04, is provided by a release of water at the Conowingo Dam whenever streamflow at the Marietta gage is less than 2,700 cubic feet per second (cfs), such that the average daily streamflow measured at the Conowingo stream gage is always equal to or greater than the average daily streamflow measured at the Marietta gage plus 200 cfs. This compliance method applies to full or partial operation of the PBAPS, but not when both Units are shut down.

PBAPS received approval from the U.S. Nuclear Regulatory Commission (NRC) to uprate Unit 2 in 1994 and 2002, and Unit 3 in 1995 and 2002. In 2003, Exelon Generation Co., LLC (Exelon) received a license renewal from NRC extending the term of the licenses 20 years to 2033 (Unit 2) and 2034 (Unit 3).

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and §803.44.

Prior to the approval of this docket, the project has been subject to Commission Resolutions 81-07, 83-04, 91-02, and 93-04. The Commission-approved method of compliance for the consumptive use of water at PBAPS is contained within Resolution 93-04. Because Resolution 93-04 predates the Commission's surface water withdrawal regulation, it contains no provisions or conditions related to surface water withdrawal.

The project sponsor identified that the surface water withdrawal at the facility will be increased sufficiently to be subject to Commission Regulation §803.44, relating to surface water withdrawals. The project sponsor has requested approval for the surface water withdrawal of up to 2,363.620 mgd from Conowingo Reservoir.

All water: 1) evaporated or otherwise lost from the cooling system or other power generation processes; and 2) evaporated off the surface of Conowingo Reservoir due to thermal loading, is considered to be a consumptive water use subject to Commission regulation.

Commission staff recommends that the project sponsor submit a plan to quantify the daily consumptive water use associated with operation of the plant and the thermal loading, and the project's total surface water withdrawal from Conowingo Reservoir for review and approval by Commission staff. The plan should contain metering that is accurate to within five percent, or other suitable methods of measurement on the water diverted to the facility, on the wastewater

and thermal discharges, and other locations, as appropriate, and on the total water withdrawal from Conowingo Reservoir. The project sponsor should report the daily consumptive water use and surface water withdrawal data to the Commission quarterly.

Should the proposed accounting procedure fail to measure PBAPS's consumptive water use and total water withdrawal from Conowingo Reservoir, the Commission reserves the right to modify the measuring, monitoring, and accounting procedures. Commission staff will provide the project sponsor with prior written notice of any required change in the measuring, monitoring, and accounting procedures. Any alternative measuring, monitoring, or accounting procedure requested by the project sponsor must be reviewed and approved by Commission staff.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to continue utilizing the compliance method first approved in Resolution 93-04, effective until September 16, 2011, and thereafter to utilize a method to be approved by the Commission. For so long as Exelon uses releases of water storage from the Conowingo Reservoir as its method for mitigating consumptive water use at PBAPS, if there is any noncompliance with the release requirement related thereto, Exelon proposes to make payments to the Commission in lieu of providing actual compensation water.

Commission staff recommends approval of the proposed consumptive water use method. Commission staff recommends Exelon submit a docket modification request on or before September 16, 2010, proposing a method to mitigate for consumptive water use at PBAPS for the remaining term of its NRC license after the existing compensation agreement expires. In the event it fails to do so, Commission staff recommends that the approved method of compliance after September 16, 2011, be payment of the Commission's prevailing use fee.

The existing surface water withdrawal predates the effective date of Commission Regulation §803.44; however, the project sponsor's increase in withdrawal from Conowingo Reservoir triggers Commission review and approval.

Commission staff recommends approval of the requested surface water withdrawal of up to 2,363.620 mgd (peak day), as submitted by the project sponsor.

Commission staff contends that the project sponsor, at times, operated PBAPS inconsistent with Commission regulations since August 1999, when its surface water withdrawal exceeded the regulation threshold. Commission staff also contends that the project sponsor did not fully comply with its consumptive use mitigation requirements as set forth in Resolution 93-04. The project sponsor voluntarily submitted its application to the Commission, complied with application procedures, and cooperated with Commission staff during its review of the project. The project sponsor has offered a settlement to the Commission for these matters. Commission staff recommends acceptance of the project sponsor's proposed settlement.

The project sponsor has paid the appropriate application fee, in accordance with Commission Regulation §803.28, and in accordance with Commission Resolution 2005-03. The

project sponsor has provided all proofs of notification, as required by Commission Regulation §803.25.

No adverse impacts to other area surface water withdrawals are anticipated. The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

Commission staff recommends the term of this docket modification to be coterminous with the Unit 3 NRC license, effective until July 3, 2034.

Decision

1. The project's surface water withdrawal from Conowingo Reservoir of up to 2,363.620 mgd, and consumptive water use of up to 32.490 mgd (peak day), are approved pursuant to Article 3, Section 3.10, of the Compact.

2. The foregoing findings are hereby adopted and shall be incorporated into and made a part of this decision.

3. The project sponsor shall comply with all Commission regulations, including consumptive water use and surface water withdrawal reporting requirements, as per Commission Regulations §803.42 and §803.44.

4. The project sponsor shall keep daily records of the consumptive water use and surface water withdrawal, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter.

5. The project sponsor's Settlement Agreement, pursuant to Commission Regulation §805.27, for alleged noncompliance with Commission regulations and consumptive use mitigation requirements as set forth in Resolution 93-04, is hereby accepted.

6. Within sixty (60) days from the date of this approval, the project sponsor shall submit to the Commission for review and approval by Commission staff a plan to meter or use other suitable methods of measuring surface water withdrawals that account for all water withdrawn from Conowingo Reservoir, the wastewater and thermal discharge, and the total consumptive water use at the PBAPS facility. Following approval, the project sponsor shall execute the plan and complete any installation of meters or other means of measuring surface water withdrawals in accordance with the approved schedule, and shall certify to the Commission that the monitoring plan has been implemented.

7. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall release water at the Conowingo Dam whenever streamflow at the Marietta gage is less than 2,700 cfs, such that the average daily streamflow measured at the Conowingo stream gage is always equal to or

greater than the average daily streamflow measured at the Marietta gage plus 200 cfs. This compliance method applies to full or partial operation of the PBAPS, but not when the plant is shut down and is effective until September 16, 2011. Thereafter, its method of compliance shall be as set forth below. If there is any noncompliance with the release requirement from the Conowingo Reservoir, Exelon shall pay the Commission a consumptive use fee for the entire calendar year in which the violation occurred, based on the applicable Commission rate (currently \$0.14 per 1,000 gallons), for the facility's actual total consumptive use for such calendar year, as its alternate method of mitigation for that year. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

8. On or before September 16, 2010, Exelon shall submit a docket modification request proposing a method to mitigate for consumptive use at the facility for the remaining term of its docket after September 16, 2011. The proposed method may be a modification of, or alternative to, the mitigation method described in Condition 7 above.

9. Should Exelon not submit a modification request to the Commission pursuant to Docket Condition 7 above, the payment of the Commission's prevailing consumptive use fee shall be the method for meeting PBAPS's consumptive use mitigation requirement for the remaining term of its Docket after September 16, 2011.

10. All prior approvals issued by the Commission for PBAPS are hereby superseded by this approval, to the extent inconsistent with this approval.

11. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

12. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, subject to applicable NRC regulations, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling; to take photographs; to perform measurements, surveys, and other tests; to inspect the methods of construction, operation, or maintenance; to inspect all measurement equipment; to audit, examine, and copy books, papers, and records pertinent to any matter under investigation; and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.

13. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate penalties.

Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, nor shall it preclude the Commission from imposing penalties for such noncompliance.

14. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

15. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

16. This approval is effective until July 3, 2034. The project sponsor shall submit a renewal application by January 3, 2034, and obtain Commission approval prior to continuing operation beyond July 3, 2034.

17. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may be reasonably inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: December 5, 2006



Kenneth P. Lynch, Chair
New York Commissioner

ENCLOSURE 3

PPL Susquehanna, LLC; Susquehanna Steam Electric Station Environmental Assessment and Finding of No Significant Impact

[Federal Register: June 25, 2001 (Volume 66, Number 122)]

[Notices]

[Page 33716-33717]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

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NUCLEAR REGULATORY COMMISSION
[Docket Nos. 50-387 and 50-388]

PPL Susquehanna, LLC; Susquehanna Steam Electric Station
Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License (FOL) Nos. NPF-14, and NPF-22, issued to PPL Susquehanna, LLC (the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2, located in Luzerne County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed license amendment would revise the FOLs and Technical Specifications (TS) of SSES, Units 1 and 2, to allow the licensee to increase the licensed core power level from 3441 MWt to 3489 MWt, which represents a 1.4 percent increase in the allowable thermal power. SSES Unit 1 was granted conditional authorization for power production by its FOL issued on July 17, 1982. Full power operation of Unit 1 at 3,293 MWt core power was authorized by Amendment No. 5 to the FOL, issued on November 12, 1982. Amendment No. 143 to the FOL, issued on March 22, 1995, authorized a power uprate for Unit 1 to 3,441 MWt. SSES Unit 2 was granted conditional authorization for power production by its FOL issued on March 23, 1984. Full power operation of Unit 2 at 3,293 MWt core power was authorized by Amendment No. 1 to the FOL, issued on June 27, 1984. Amendment No. 103 to the FOL, issued on April 11, 1994, authorized a power uprate for Unit 2 to 3,441 MWt.

The proposed action is in accordance with the licensee's application for license amendment dated October 30, 2000, as supplemented by letters dated February 5, May 22, and May 31, 2001.

The Need for the Proposed Action

The proposed action would allow an increase in power generation at SSES, Units 1 and 2, to provide additional electrical power for distribution to the grid. Power uprate has been widely recognized by the industry as a safe and cost-effective method to increase generating capacity.

Environmental Impacts of the Proposed Action

The environmental impact associated with operation of SSES, Units 1 and 2, has been previously evaluated by the U.S. Atomic Energy Commission in the "Final Environmental Statement Related to Operation of Susquehanna Steam Electric Station, Units 1 and 2," dated June 1981. In this evaluation, the staff considered the potential doses due to postulated accidents for the site, at the site boundary, and to the population within 50 miles of the site. With regard to consequences of postulated accidents, the licensee has reevaluated the current design basis accidents (DBAs) in its application for license amendments and determined that accident source terms are based on core power levels that bound the proposed core power level of 3489 MWt. Therefore, the current analyses bound the potential doses due to DBAs based on the proposed 1.4 percent increased core power level. No increase in the probability of these accidents is expected to occur.

With regard to normal releases, the licensee has calculated the potential impact on the radiological effluents from the proposed 1.4 percent increase in power level. The licensee concluded that the offsite doses from normal effluent releases remain significantly below the bounding limits of Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Appendix I. Normal annual average gaseous releases remain limited to a small fraction of 10 CFR Part 20, Appendix B, Table 2 limits. The licensee evaluated the effects of power uprate on the radiation sources within the plant and the radiation levels during normal operating conditions. Post-operation radiation levels are expected to increase slightly due to the power uprate; but are expected to have no significant effect on the plant. Occupational doses for normal operations will be maintained within acceptable limits by the site ALARA (as-low-as-reasonably-achievable) program. Solid and liquid waste production may increase slightly as a result of the proposed 1.4 percent uprate; however, waste processing systems are expected to operate within their design requirements.

The NRC has completed its evaluation of the proposed action and concludes that the proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic

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sites. With regard to thermal discharges to the Susquehanna River, the staff has previously evaluated temperature effects during normal operations at full power and determined the temperature impact on the river to be insignificant. The licensee indicated that an increase in the cooling tower air flow rate will compensate for the slight increase in condenser outlet circulating water temperature, such that no perceptible change in the temperature of the cooling tower basin

blowdown to the Susquehanna River is expected. Therefore, the temperature effects on the river will be insignificant. Existing administrative controls ensure the conduct of adequate monitoring such that appropriate actions can be taken to preclude exceeding the limits imposed by the National Pollution Discharge Elimination System permit. No additional requirements or other changes are required as a result of the power uprate. No other non-radiological impacts are associated with the proposed action.

Based upon the above, the NRC concludes that the proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the SSES, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on June 19, 2001, the staff consulted with the Pennsylvania State official, Mr. Michael Murphy of the Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 30, 2000, as supplemented by letters dated February 5, May 22, and May 31, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.
Richard P. Correia,
Acting Chief, Section 1, Project Directorate I, Division of Licensing
Project Management, Office of Nuclear Reactor Regulation.
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