

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION  
HAROLD R. DENTON, DIRECTOR

In the Matter of	)	
	)	Docket Nos. 50-352, 50-353
PHILADELPHIA ELECTRIC COMPANY	)	
(Limerick Generating Station,	)	(10 CFR 2.206)
Units 1 and 2)	)	

DIRECTOR'S DECISION UNDER 10 CFR 2.206

INTRODUCTION

By letter dated November 21, 1984, Robert J. Sugarman, Esq., filed with the Office of Nuclear Reactor Regulation, on behalf of Del-Aware Unlimited, Inc. (Petitioner), a Petition pursuant to 10 CFR 2.206. The Petition requested that the Commission staff require the Philadelphia Electric Company (Licensee) to provide to the Commission a full disclosure of its intended sources of interim supplemental cooling water for the Limerick Generating Station, Units 1 and 2 (Limerick facility) and the environmental consequences associated with their use. The Petition enclosed a letter from the Licensee to the Pennsylvania Public Utility Commission stating that an interim supply of supplemental cooling water for the Limerick facility should be available by May 1985 to support commercial operation of the Limerick Unit 1 during the third quarter of 1985. The current design of the Limerick facility calls for its supplemental cooling water to be provided by the Point Pleasant

--- Diversion Project (PPD Project) which may not be completed by the time Limerick Unit 1 is available for commercial operation.

The Petitioner supplemented its Petition on February 11, 1985 and March 28, 1985. The February 11, 1985 supplement provided additional information to support the claim that the Licensee was actively seeking to obtain interim supplemental cooling water for operation of the Limerick Unit 1. The supplement again urges that the NRC commence review of this matter. The March 28, 1985 supplement refers to an application filed by the Licensee with the Delaware River Basin Commission (DRBC) for interim supplemental cooling water and urges that the interim solution proposed by the Licensee constitutes a long term or permanent solution superior to that currently planned, namely, the PPD Project. In essence, the supplement urges that there are alternatives to the PPD Project which are superior to that Project from an environmental perspective including the interim proposal suggested by the Licensee and urges that those alternatives be examined and adopted for permanent use in supplying supplemental cooling water for the Limerick facility. This is especially true, the Petitioner argues, because of the many hurdles which will prevent implementation of the PPD Project for at least several years.

On January 15 and 22, 1985 and May 6, 1985, the Licensee submitted its comments regarding the Petition. My decision in this matter follows.

#### DISCUSSION

The Supplemental Cooling Water System (SCW System) for the Limerick facility, as described in the license application submitted to the Nuclear Regulatory Commission for operation of the facility, will draw

--- water from the Delaware River some thirty linear miles from the plant site. The water will be pumped from the Delaware River at Point Pleasant, Pennsylvania, several miles through a Combined Transmission Main to the Bradshaw Reservoir. Approximately one half of the water will be pumped through the Perkiomen Transmission Main and then flow down the East Perkiomen Creek to provide supplemental cooling water for the Limerick facility. The remainder of the water will be available to Central Bucks and Montgomery Counties, Pennsylvania, for public use.

The site of the Limerick facility is on the east bank of the Schuylkill River in Limerick Township, Montgomery County, Pennsylvania. The flows of the Schuylkill River vary widely during the course of the year and, consequently, there are extensive periods during which the Schuylkill River alone could not supply all consumptive water needs for the Limerick facility and still supply all of the downstream requirements. Consequently, the Licensee has proposed the SCW System for the Limerick facility described above to augment water drawn from the Schuylkill River. Unavailability of supplemental cooling water for the Limerick facility would not pose a safety concern as water requirements for safe shutdown conditions are based upon an on-site spray pond. There may be occasions, however, when the water available to the Licensee from the Schuylkill River would be insufficient to permit full-power operation of the Limerick facility in the absence of supplemental cooling water. Consequently, it is the role of the SCW System to provide such additional water as may be necessary to permit the Limerick facility to operate at its designed output in those instances when sufficient water would be unavailable to the Licensee from the Schuylkill River. In effect, then,

--- the absence of supplemental cooling water for the Limerick facility would not pose a safety concern but could cause the facility to be operated at less than design output or indeed not be operated at all.

The proposed source of supplemental cooling water, i.e., the PPD Project, was described by the Licensee at both the construction permit and operating license stage of the proceedings before the Nuclear Regulatory Commission. The PPD Project has been the subject of extensive environmental reviews by a number of agencies and of decisions of the Atomic Safety and Licensing Board and an Atomic Safety and Licensing Appeal Board and has received approval. <sup>1/</sup>

I have also reviewed the various evaluations and authorizations relevant to this matter in my previous Decisions responding to petitions filed by Petitioner pursuant to 10 CFR 2.206. <sup>2/</sup>

Consequently, to the extent the Licensee is able to implement the Point Pleasant Diversion Project to support operation of the Limerick facility, it is authorized to do so. Petitioner correctly notes that a number of obstacles presently exist to timely implementation of the Point Pleasant Diversion Project. The primary obstacle at this time is the

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<sup>1/</sup> Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-804, 21 NRC \_\_\_\_ (slip opinion April 10, 1985); Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB 785, 20 NRC 848 (1984); Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-83-11, 17 NRC 413 (1983).

<sup>2/</sup> Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), DD-82-13, 16 NRC 2115 (1982); Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), DD-84-13, 19 NRC 1137 (1984).



opposition of Bucks County and the Neshaminy Water Resources Authority, the entities apparently obligated to complete construction of the Point Pleasant Diversion Project, to continuing construction of that Project. This matter is currently in litigation. It is highly doubtful that this matter would be resolved and that the Point Pleasant Diversion Project would be completed in the near future. Consequently, the Licensee has undertaken efforts, including the submittal of an application to the Delaware River Basin Commission, to obtain interim supplemental cooling water to support interim operation of the facility until the Point Pleasant Diversion Project can be completed. Such efforts by the Licensee do not appear to be unreasonable in light of the fact that full operation of the Limerick facility could be significantly hampered in the absence of supplemental cooling water.

Petitioner argues principally that it should be the role of the Nuclear Regulatory Commission to become active in the matter of selecting a possible interim source of supplemental cooling water to the extent of examining a variety of alternatives to solve this particular problem and even further to the extent of comparing proposed interim solutions to the presently authorized Point Pleasant Diversion Project with a view to determining that the interim solutions are superior to the Point Pleasant Diversion Project and therefore should become permanent solutions. Such is not the role of the Nuclear Regulatory Commission. I have explained this point to the Petitioner several times before, most recently in my letter to Petitioner dated September 10, 1984:

The basic licensing function of the Commission is to review project proposals submitted by an applicant. I have noted this in earlier correspondence. In this matter, the Point Pleasant

Diversion Project was submitted for review by PECO at both the construction permit and operating license stage of the proceeding. To the extent a submitted proposal is no longer viable, an applicant may submit an alternative for the Commission's consideration. In this context, the actions you request are inappropriate.

Facility Operating License NPF-27 issued to the Licensee by the Nuclear Regulatory Commission on October 26, 1984 authorizes the Licensee to conduct its activities in conformance with the application submitted to this agency for operation of the Limerick facility. The application submitted by the Licensee identifies the source of supplemental cooling water for the Limerick facility to be the Point Pleasant Diversion Project. It was this Project which the Commission reviewed for environmental acceptability, and it is this source of supplemental cooling water which the Licensee is presently authorized to use to support operation of the Limerick facility. Should the Licensee wish to utilize another source of supplemental cooling water, even though it be interim in nature, the Licensee would have to comply with the terms of its current license in undertaking such use. The Licensee would have to adhere to the terms of its Environmental Protection Plan (EPP) which is a condition of its operating license issued by the Nuclear Regulatory Commission and which is appended as Appendix B to the operating license for Limerick Unit 1. The requirements placed upon the Licensee by EPP with respect to activities affecting the environment include the following:

1. The Licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such

activities do not involve an unreviewed environmental question and do not involve a change in the Environmental Protection Plan. <sup>3/</sup>

2. Before engaging in any additional construction or operational activities which may significantly affect the environment, the Licensee shall prepare and record an environmental evaluation of such activity.
3. When the evaluation indicates that an activity involves an unreviewed environmental question, the Licensee shall provide a written evaluation of the activity and obtain prior NRC approval.
4. When an activity involves a change in the EPP, such activity and change in the EPP may be implemented only in accordance with an appropriate license amendment.

The requirements of the EPP are triggered at the time of the Licensee's proposed action. The Licensee must meet these requirements and take the appropriate actions prior to taking the action itself.

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<sup>3/</sup> A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the environmental impact statements environmental impact appraisals, or decisions of the Atomic Safety and Licensing Board regarding the Limerick facility or (2) a significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) above, which may have a significant adverse environmental impact.

--- Compliance with these requirements in a timely manner so as to gain the relief of any changes sought is a matter for the Licensee's consideration. Consequently, to the extent that the Licensee wishes to operate the Limerick facility in a mode different from that presently represented in its license application, it must examine that proposed change in light of the terms of the license conditions set out above. It must make the appropriate determinations and, should the activity involve an unreviewed environmental question, the Licensee must obtain prior NRC approval. Should the activity involve a change in the EPP, a license amendment is required. These provisions of the license for the Limerick Unit 1 facility provide adequate assurance that any change contemplated by the Licensee having potential environmental implications will be appropriately dealt with.

The Petition fails to provide information which suggests that the Licensee would be either unwilling or incapable of adhering to the terms of its license with respect to potential environmental modifications in the operation of its facility. At best, any concerns on the part of the Petitioner are premature as evidenced by the lack of specificity that any of the Licensee's activities are being carried on in violation of Commission requirements. At worst, the Petitioner's allegations are simply a repetition of claims made over a number of years which have been repeatedly rejected by every forum which has dealt with them. <sup>4/</sup> Consequently, I conclude that the Petition fails to provide any reasonable

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<sup>4/</sup> See DD-82-13, supra, pp. 2121-2126.



--- basis upon which this Commission should take action. With respect to the specific relief requested by the Petitioner, i.e., that the Nuclear Regulatory Commission should require the Licensee to disclose its intended sources of supplemental cooling water and assess the environmental consequences thereof, the Licensee has done this in its operating license application identifying the Point Pleasant Diversion Project as its source of supplemental cooling water. To the extent the licensee anticipates other sources of supplemental cooling water, even of an interim nature, it is for the Licensee to bring this matter before the Commission as necessary and in accordance with the conditions of its license.

#### CONCLUSION

The currently authorized source of supplemental cooling water for the Limerick facility is the Point Pleasant Diversion Project. To the extent this project is unable to provide supplemental cooling water for the Limerick facility in a timely fashion, the Licensee may entertain alternative sources of supplemental cooling water. Should the Licensee wish to operate the Limerick facility with such an alternative source of supplemental cooling water, there is in existence a structured set of requirements in the license for the Limerick Unit 1 facility that must be addressed and met prior to taking such action. The timeliness of Licensee's action in taking steps necessary to gain an interim source of supplemental cooling water is a matter for the Licensee's consideration. The Petition provides no facts or specific information to suggest that the Licensee is failing to undertake its obligations in this regard. As

such, the Petition is without adequate basis. In addition, the relief sought by the Petition is inappropriate. Accordingly, the Petitioner's request for action pursuant to 10 CFR 2.206 is denied. As provided by 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary for the Commission's review.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by

H. R. Denton

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland  
this 17th day of May 1985.

\*Previously concurred:

\*LB#2/DL  
EHylton  
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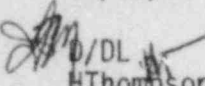
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