

June 6, 2002

The Honorable Arlen Specter
United States Senate
Washington, DC 20510-3802

Dear Senator Specter:

I am responding to your letter of May 2, 2002, to Chairman Richard A. Meserve regarding a proposal to build a gas-fired power plant adjacent to the Limerick Generating Station (LGS). The Nuclear Regulatory Commission staff needs additional information from the LGS licensee to respond completely. We have provided an interim response to Mr. Thomas DiBello, Chairman of the Board of Supervisors, Limerick Township. I am enclosing a copy of the letter and its enclosure sent to Mr. DiBello. We will provide our final response to you and Mr. DiBello in the near future. If you have further questions, please contact me.

Sincerely,

/RA by Carl J. Paperiello Action For/

William D. Travers
Executive Director
for Operations

Enclosure: Ltr to T. DiBello, from
S. Richards dated
May 22, 2002, w/enclosure

cc w/o encl: Mr. Thomas DiBello
Chairman, Board of Supervisors
Limerick Township
646 West Ridge Pike
Limerick, PA 19468

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DISTRIBUTION: Docket Nos. 50-352 and 50-353

PUBLIC	PD1-2 R/F	BPlatchek, RGN-I	OGC	LCox
WTravers	WKane	CPaperiello	Burns/Cyr	JClifford
PNorrry	JCraig	OPA	HMiller, RI	GImbro
SCollins/JJohnson	SRichards	OCA	MShanbaky	
BSheron/KJohnson	CGratton	JZwolinski/LMarsh		
WBorchardt	MO'Brien	RZimmerman, NSIR		

SECY (SECY# LTR-02-0324)

TJGorham(EDO #G20020271)

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INCOMING ACCESSION NO. ML021260429

RESPONSE ACCESSION NO. ML021410050

*Please see previous concurrence

OFFICE	PDI-2/PM	PDI-2/LA	PDI-2/SC	Tech Editor	PDI/PD *	DLPM/D *
NAME	CGratton	MO'Brien	JClifford	PKleene*	SRichards	JZwolinski
DATE	05/24/02	05/24/02	05/24/02	5/21/02	5/22/02	5/22/02

OFFICE	NRR/ADPT	NRR/D	OCA	EDO
NAME	BSheron	SCollins	DRathbun	CPaperiello for WTravers
DATE	05/24/02	05/28/02	6/6/02	

OFFICIAL RECORD COPY

May 22, 2002

Mr. Thomas DiBello
Chairman, Board of Supervisors
Limerick Township
646 West Ridge Pike
Limerick, PA 19468

Dear Mr. DiBello:

I am responding to you at the request of the Chairman of the Nuclear Regulatory Commission (NRC) regarding the concerns you expressed in a letter to Senator Arlen Specter dated April 30, 2002. In your letter, you identified concerns you and other citizens of southeastern Pennsylvania have about the siting of the Linfield Energy Center, a 550-megawatt, gas-fired power plant proposed for Limerick Township, Pennsylvania. FPL Energy (FPLE) plans to construct the plant near the Limerick Generating Station (LGS), Units 1 and 2. Senator Specter requested in a letter to the Chairman of the NRC dated May 2, 2002, that the NRC review FPLE's proposal to build the gas-fired plant adjacent to LGS Units 1 and 2 and review the issues raised by the Township.

The NRC's mission is to regulate the nation's civilian use of nuclear materials to ensure adequate protection of public health and safety, to promote common defense and security, and to protect the environment. The scope of responsibility for this mission includes the regulation of commercial nuclear power plants, such as LGS Units 1 and 2. The NRC does not have regulatory authority over the siting, construction or operation of other types of power plants, such as the proposed Linfield Energy Center. Regardless, the NRC staff has been monitoring the progress of FPLE's Linfield Energy Center project due to its potential impact on the safe operation of LGS Units 1 and 2. On August 24, 2000, the NRC staff responded to Mary Ann Dailey, Member of the Pennsylvania House of Representatives, about concerns similar to those expressed in your letter to Senator Specter. We have enclosed a copy of that letter. The staff explained in that letter that under NRC's regulatory framework of oversight of nuclear power plants, the licensee has the burden to determine the impact of the proposed plant on the safe operation of LGS Units 1 and 2. The letter further explained that the NRC has an independent responsibility to assure that public health and safety is not impacted by the operation of nuclear power plants. Due to uncertainties associated with the approval and construction of the FPLE power plant project, the NRC staff determined at the time the enclosed letter was sent that it was not necessary to seek additional information from the licensee.

While the Linfield Energy Center project is still in its planning stages, the NRC staff believes it is prudent at this time to review the impact of the project on the safety of LGS Units 1 and 2. The NRC staff has requested information from the licensee to determine if the proposed Linfield Energy Center project constitutes a potential external hazard that would affect the design basis of LGS Units 1 and 2. We expect to complete the review and respond to you with the results in the near future. For the reasons stated above, our review will be limited to those issues under the regulatory authority of the NRC. Other issues specified in your letter to Senator Specter

ENCLOSURE

concerning the construction or operation of the Linfield Energy Center project, such as the violation of Township ordinances, unspecified concerns by the Montgomery County Planning Commission, deficiencies in the Pennsylvania Department of Environmental Protection air quality permit review process, and conflicts with certain qualifying criteria, such as noise levels and local growth management policies, are outside the authority of the NRC.

Your letter also contained issues concerning the potential impact of the Linfield Energy Center project on the security and safety of LGS Units 1 and 2 in light of the current threat environment. In the aftermath of the terrorist attacks on September 11, NRC began a comprehensive reevaluation of the agency's safeguards and physical security programs. 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. 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 results of the comprehensive reevaluation will inform the Commission of any additional safeguards measures necessary to ensure public health and safety. The NRC also has an onsite inspection program at operating nuclear power plants to directly inspect various activities, including security. Any potential safeguards vulnerabilities as a result of the proximity of the Linfield Energy Center project to LGS Units 1 and 2 will be considered as part of the NRC's oversight of security at nuclear power plants.

If you need any further information, please contact Mr. Christopher Gratton, Limerick Project Manager, at (301) 415-1055.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: Letter to M. Dailey, PA House of Reps.,
from W. Travers, NRC,
dated August 24, 2000

August 24, 2000

The Honorable Mary Ann Dailey
Pennsylvania House of Representatives
House Box 202020
South Office Building
Room 408
Harrisburg, PA 17120-2020

Dear Ms. Dailey:

I am responding to your letter of June 19, 2000, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC). In your letter, you requested that the NRC review a proposal for the construction and operation of a 500-megawatt gas-fired generating facility on property adjacent to the Limerick Generating Station, Units 1 and 2 (Limerick 1 and 2), a nuclear power plant owned by PECO Energy Company (PECO). Your letter specifically requested that the NRC determine if this project poses a threat to the health, safety, or life of residents in nearby communities. Your request included the need for the NRC to determine if a fire or explosion at the proposed facility would pose a threat to Limerick 1 and 2.

From the information we currently have, it appears that the project is still in the planning stages and, if ever approved, is several years away from completion. Under the NRC's regulatory framework for oversight of nuclear power plants, PECO, in the first instance, has the burden to determine the impact of the proposed natural gas-fired facility on the safe operation of Limerick Generating Station, and appropriately inform the relevant State and Federal regulatory agencies. This framework notwithstanding, however, the NRC has an independent responsibility to assure that public health and safety is maintained from operation of nuclear power plants. In this role, the NRC independently evaluates available information, including licensee actions or assessments, to either confirm the appropriateness of the licensee's assessments or actions, or to determine if further regulatory action is warranted. In this instance, given the uncertainties associated with approval and construction of a nearby gas-fired facility, it is not now necessary to seek such information.

In any event, as part of its application for construction permits and operating licenses for Limerick 1 and 2, PECO was required to perform an analysis of the effects of potential hazards from nearby industrial facilities. This analysis is documented in the Limerick 1 and 2 Final Safety Analysis Report (FSAR). If construction becomes imminent, PECO is required by NRC regulations to notify the NRC should PECO determine, with respect to the operation of the Limerick facility, that the proposed natural gas-fired facility would significantly affect public health and safety. In addition, should PECO determine that the proposed natural gas-fired facility would necessitate changes to the Limerick facility to ensure continued protection of public health and safety, PECO must determine whether prior NRC approval of the change is required. If prior NRC approval is required, PECO must submit an application to amend its operating license prior to implementing such a change.

Environmental protection issues regarding the storage of ammonia and the impact of toxins that might be emitted from the operation of the proposed gas-fired facility are within the jurisdiction

ENCLOSURE

M. A. Dailey

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of the Pennsylvania Department of Environmental Protection, Bureau of Air Quality. By copy of this letter, your concern has been forwarded to that State agency. In addition, if the licensee identifies any impact from postulated toxins which would necessitate a change to the facility, the NRC would evaluate those changes affecting the FSAR or the facility license.

I trust this information is useful to you in addressing your concerns about the proposed construction and operation of the gas-fired facility near the Limerick facility.

Sincerely,

/RA by Frank J. Miraglia Acting For/

William D. Travers
Executive Director
for Operations

cc: Mr. James M. Salvaggio, Director of Air Quality Control
Bureau of Air Quality
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8468
Harrison, PA 17105