



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

NOV 28 1979

Docket Nos. STN 50-488  
STN 50-489  
STN 50-490

The Honorable Stephen L. Neal  
United States House of Representatives  
Washington D.C. 20515

Dear Congressman Neal:

Chairman Hendrie has requested that I reply to your letter of November 6, 1979, regarding a matter called to your attention by Mr. David Springer concerning the application by the Duke Power Company to build the Perkins nuclear generating units. The Perkins construction permit application is currently pending for a decision before an Atomic Safety and Licensing Board. Since Chairman Hendrie may be called upon to review decisions or rulings of the presiding Board it was considered inappropriate for him to respond directly. Consequently he has requested that I respond to your letter.

Duke Power Company has filed an application with the NRC for licenses to construct and operate three nuclear powered electric generating units, known as the Perkins nuclear generating units, to be located near Mocksville, North Carolina, with a total output of 3817 megawatts electric and 4018 megawatts thermal. This application has been the subject of extensive public hearings in North Carolina by the NRC, the North Carolina Environmental Management Commission (EMC) and the North Carolina Utilities Commission. At these hearings, testimony has been received regarding the number of units to be built, their location, and the availability of water to cool these units. The North Carolina Environmental Management Commission has determined that sufficient water is available for the Perkins station without declaring the river basin a capacity use area which would require withdrawal permits; the North Carolina State courts confirmed the actions of the EMC. The North Carolina Utilities Commission has found that the designated Perkins site is appropriate. Because of the extensive nature of these hearings, there is, we believe, no question that the North Carolina Commissions as well as the North Carolina Attorney General's office are well aware that the 4018 megawatts of thermal energy are to be produced by three units rather than one unit.

In addition, the Attorney General's office participated in the NRC hearing and presented to the NRC the State's position on water availability and water use for a 4018-megawatt station; the State has expressed the opinion that the Perkins site is an appropriate site and that there is sufficient water available to cool the facilities' condensers.

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The letter from Mr. Charles Barth of the NRC which is annexed to your letter detailed the fact that three nuclear units would produce this energy, and we believe that all parties to this proceeding are aware of this fact. However, you should be assured that neither Mr. Barth nor anyone else in the NRC has represented that the letter from Mr. Benton is other than the position of the Chief of the Environmental Operations Section of the North Carolina Department of Natural Resources and Community Development.

At the present time the issues of station location and availability of water are before the Atomic Safety and Licensing Board which is not expected to issue its initial decision until the summer of 1980. I shall see that you are furnished a copy of the decision when it is issued.

Sincerely,

ORIGINAL SIGNED BY R. G. SMITH

Lee V. Gossick  
Executive Director for Operations

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# Congress of the United States

## House of Representatives

November 6, 1979

STEVE NEAL  
5TH DISTRICT, NORTH CAROLINA

Mr. Joseph M. Hendrie  
Chairman  
Nuclear Regulatory Commission  
Washington, D. C. 20555

RE: Duke Power Company's application to build nuclear powered electric generating units on the Yadkin River (Perkins)

Dear Mr. Chairman:

Mr. David Springer, a constituent and concerned resident, has brought to my attention the request from the Nuclear Regulatory Commission to the State of North Carolina requesting the state's view as to the availability of condenser cooling water for thermal electric generating units.

The enclosed copy of a letter to Mr. William A. Raney, Jr. from Mr. Charles A. Barth, Counsel for the NRC staff, dated October 11, 1978 advised the state that NRC is reassessing site alternatives to the Perkins site proposed by Duke Power Company "for a facility of approximately 4,000 megawatts of electricity."

The fact is that Duke Power Company is not planning and never has planned one 4,000 megawatt facility. The company is planning to build three 1,280 megawatt units. The significance of this is that even though there would not be water capacity to handle cooling for one 4,000 megawatt unit, I am told it would be entirely possible for Lake Norman, a considerably larger reservoir of water on the Catawba River, to accommodate the building of a combination of condenser cooled and tower cooled units if there were a mix among the various units. I am advised that NRC has licensed a number of stations that have mixed cooling facilities.

Mr. Barth, as you can see from the correspondence, had written to an Assistant Attorney General of the State of North Carolina. He received a reply, not from the Attorney General's office, but from Mr. Benton in the Environmental Operations Section of the North Carolina Department of Natural Resources in which Mr. Benton says that it is his personal opinion that technology other than

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once through cooling would be required. Mr. Barth is now using the personal opinion of one state government employee as the official position of the state of North Carolina before the Nuclear Regulatory Commission. The fact is that the state of North Carolina has not yet developed an official position on this issue, although they have been requested to do so and we anticipate some action relatively soon.

Mr. Chairman, it is my understanding that you will soon be called upon to make a judgment as to whether or not there are alternate sites in North Carolina which can be available to Duke Power Company and I strongly urge you not to make such a decision based on the obviously incomplete information at your disposal at this time. It is imperative that we get the state's position on this issue before final judgment is made, rather than using the personal opinion of just one person.

Your very careful consideration will be appreciated.

Best wishes,

STEPHEN L. NEAL  
U.S. Congressman

SLN:mh  
Enclosures

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October 11, 1978

Mr. William A. Raney, Jr., Esq.  
Assistant Attorney General  
P.O. Box 629  
Raleigh, North Carolina 27602

In the Matter of  
Duke Power Company  
(Perkins Nuclear Station, Units 1, 2 and 3)  
Docket Nos. STN 50-408, STN 50-409, and STN 50-490

Dear Mr. Raney:

As you are aware from the papers we have previously sent to you, the NRC Staff is engaged in re-assessing sites alternative to the Perkins site which is proposed by Duke Power Company for a facility of approximately 4000 MWe.

The type of condenser cooling to be employed is a necessary ingredient in our review. Therefore, we would appreciate having the view of the state as to what type of condenser cooling would be acceptable for a nuclear facility of the size of Perkins to be constructed in the future and to come on line after July 1, 1983 (see section 301 FWPCA amendments of 1972 and 40 CFR 423.15(6)).

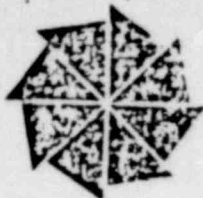
Sincerely,

*Charles A. Barth*  
Charles A. Barth  
Counsel for NRC Staff

cc: Elizabeth S. Bowers  
Dr. Donald P. deSylva  
Dr. Walter H. Jordan  
J. Michael McGarry, III, Esq.  
William L. Porter, Esq.  
William G. Pfefferkorn, Esq.  
Mrs. Mary Davis  
Atomic Safety and Licensing Board Panel  
Atomic Safety and Licensing Appeal Board  
Docketing and Service Section

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# North Carolina Department of Natural Resources & Community Development

James B. Hunt, Jr., Governor

Howard N. Lee, Secretary

## DIVISION OF ENVIRONMENTAL MANAGEMENT

### Environmental Operations Section

October 19, 1978

Mr. Charles A. Barth  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Barth:

Your letter of October 11, 1978 to Mr. William A. Raney, Jr. concerning condenser cooling has been referred to me for response.

You asked the view of the State of North Carolina "as to what type of condenser cooling would be acceptable for a nuclear facility of the size of Perkins to be constructed in the future and to come on line after July 1, 1983."

In view of the remand of the EPA regulations concerning thermal discharges by the U. S. Court of Appeals, North Carolina has no effluent limits for thermal discharges from steam electric plants. For this reason the effluent limits for thermal discharges from such plants would be based on the maintenance of water quality standards for the receiving waters. Temperature standards for North Carolina waters are found in 15 N.C. Administrative Code 2B .0211(c) (3) (J), 2B .0211(d) (3) (H), and 2B .0211(e) (3) (F).

Other than the Atlantic Ocean, I know of no body of water in North Carolina that could be used for once through cooling of a 4000 MWe facility without causing a violation of water quality standards for temperature. Therefore, it is my opinion that some technology other than once through cooling would be required in order for such a facility to receive a North Carolina water quality permit.

Very truly yours,

Original Signed by

L. P. BENTON, JR.

L. P. Benton, Chief  
Environmental Operations Section

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