

May 17, 1982

Stephen H. Lewis, Esquire  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Philadelphia Electric Company  
Docket Nos. 50-352 and 50-353

Dear Steve:

Thank you for your letter of May 6, 1982. I appreciate your advising me of the updated status of the Environmental Impact Statement.

However, coming as it did, in proximity to Mr. Schwencer's letter of April 30, 1982, to Mr. Bauer, it enhances my concern that the staff will not be able to scope the EIS broadly enough to include the full range of environmental impacts of the project, as it presently exists. As you know, it has been our position, and we think it is incontrovertible, that PECO's role in the Point Pleasant diversion is such as to make it a PECO project. Moreover, PECO is the owner and operator of the proposed Bradshaw reservoir and transmission line to the Perkiomen, as well as the operator of the diversion down the Perkiomen. Neither Point Pleasant nor its associated facilities is accounted for within the EROL, and Mr. Schwencer's letter indicates that the intended scope of the staff review of the EROL is limited to the same area as that covered in the EROL. Certainly, it is possible for one to interpret some of the questions as inviting PECO to broaden the reporting, but since it is a substantial change, if that were really intended, it would seem to me the language would have been more clear. If I am wrong on that, I shall be happy to be corrected.

Assuming, as I indicated, that the staff is not directing PECO to submit information regarding the entire impacted area, I believe that a late summer or early fall meeting will not afford the staff ample opportunity to take into account the comments of the members of the public offered at the meeting in scoping the DES and requiring the additional

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data from PECO. At the moment, I do not contend that that timing is not sufficient to afford opportunity to factor in comments relating to areas that have already been well defined and on which PECO has already submitted information. However, in view of the time it has taken PECO to prepare the EROL and the time that it has taken the staff to respond with questions, as well as the time it will take PECO to respond to those questions, it is clear that to wait until September to broaden the scope of the DES, or to consider such action, would effectively delay completion of the DES by six to nine months. If this occurs, whether admittedly or not, the Commission will be under considerable pressure to shortcut its compliance with the rules and with NEPA.

In the circumstances, on behalf of Del-Aware, I submit that it is essential that a scoping meeting be scheduled as quickly as one can be arranged, or alternatively, that the staff make a present decision that the scope of the DES should include Point Pleasant and associated facilities, and request the necessary information from PECO at this time.

Again, I appreciate your consideration, and look forward to hearing from you.

Sincerely,

  
Robert J. Sugarman

RJS/lr

cc: Service List

cc: Wells  
Sigsbee  
Krauss

Wells

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

RECEIVED

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June 2, 1982

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*Delaware*  
*NRC*  
*Lores*

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

Dear Mr. Sugarman:

This letter is in response to your letter to me of May 17, 1982 in which you expressed "enhanced" concern that "the staff will not be able to scope the EIS broadly enough to include the full range of environmental impacts of the project, as it presently exists." You stated that your increased concern was based upon a letter from Mr. Schwencer of the NRC Staff to Mr. Bauer of PECO, dated April 30, 1982, when considered in conjunction with my letter to you of May 6, 1982 indicating that the environmental site visit had been rescheduled from May 1982 to sometime in the late summer or early fall of 1982. [For your further information, the environmental site visit is presently scheduled for the period of August 17-20, 1982.] With respect to Mr. Schwencer's letter you have stated the following: "Neither Point Pleasant nor its associated facilities is accounted for within the EROL, and Mr. Schwencer's letter indicates that the intended scope of the staff review of the EROL is limited to the same area as that covered in the EROL."

You are operating under a misperception of Mr. Schwencer's letter that I would like to take this opportunity to correct. The requests for additional information transmitted by that letter do not cover the areas of water use, water quality and aquatic and terrestrial ecology. Questions in those areas will be transmitted to PECO at a later date, but prior to the environmental site visit. There is no basis in Mr. Schwencer's letter, therefore, for your conclusion that the Staff accepts the Environmental Report as containing all of the information which the Staff considers necessary for its evaluation of the impacts of station operation, including the impacts of water diversion to support operation of the Limerick Station, on water use, water quality and aquatic and terrestrial ecology. We suggest you withhold your judgment on that point until you have reviewed the Staff's requests for additional information in these subject areas. In this regard, please bear in mind that under Commission regulations (10 C.F.R. § 51.23(e)) a draft environmental statement prepared in connection with the issuance of an operating license "will cover only matters which differ from, or which

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reflect new information in addition to, those matters discussed in the final environmental impact statement prepared in connection with the issuance of the construction permit."

In view of the May 1983 scheduled issuance date for the DES, we believe that issuance of questions on the areas discussed above prior to the environmental site visit and the Staff's follow-up questions (presently scheduled for issuance on November 5, 1982) after the environmental site visit and the receipt of answers to the first set of questions will afford ample opportunity for evaluation of the full scope of impacts which the Staff considers to be part of its environmental review of this operating license application. The schedule will also permit full Staff consideration of the points raised in the public meeting, previously discussed in our exchange of letters, to be held some evening during the environmental site visit.

I trust that the information provided is responsive to your concern. Please feel free to contact me if you have any remaining questions regarding this matter.

Sincerely,

*Stephen H. Lewis*

Stephen H. Lewis  
Counsel for NRC Staff

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June 28, 1982

Stephen H. Lewis, Esquire  
Counsel for NRC Staff  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Application of Philadelphia Electric  
Company, Docket Nos. 50-352, 50-353

Dear Steve:

Thank you very much for your letter of June 2, 1982. It does indeed reassure me, as you hoped. I am also reassured by Mr. Schwencer's letter of June 23, 1982, addressed to Mr. Bauer, in which Mr. Schwencer requests that the terrestrial resources site visit include the pumping station and riparian areas near cooling water intake and discharge structures. I assume that the latter reference includes Point Pleasant, and that the scope of the terrestrial resources visit will include the Bradshaw Reservoir and the transmission main as well as the immediate vicinity of the pump station. I would appreciate being kept closely informed as to scheduling. If appropriate, I would also like to suggest that the Advisory Council on Historic Preservation, and the State Historic Preservation Office be included in the list of agencies, as well as the Township of Plumstead.

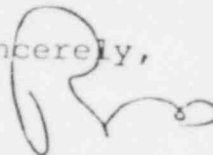
May I question, however, the omission of requests in the terrestrial resources section regarding the National Historic Landmark and the historic archeological sites and historic district in Point Pleasant. Perhaps these will be included in another section of the EROL, but if not, I would hope that they would be addressed with the informational questions, as well as the site visit.

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Also, regarding your reference to 10 C.F.R. §51.23(c), I would like to note again that the elements at issue here were not addressed at all in the CP stage, and therefore their inclusion in the project is in toto a change. I therefore hope, and would like confirmation, that the Point Pleasant elements will not be restricted to physical changes since 1975.

I await your further advice.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Sugarman', with a stylized flourish at the end.

Robert J. Sugarman

RJS/em

cc: Service List

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NRC  
Ltr resp

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July 16, 1982

Mr. A. Schwencer  
Chief, Licensing Branch #2  
Division of Licensing  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

Re: Del-Aware-NRC, Docket Nos: 50-352/353; Request for  
Additional Information - Point Pleasant Diversion Plan (July 9,  
1982)

Dear Mr. Schwencer:

I have received a copy of your letter of July 9, 1982 addressed to Mr. Edward Bauer, relating to the Point Pleasant Diversion Plan.

I wish to comment to you concerning the intentions of the staff with respect to the dimensions of its inquiry concerning the Point Pleasant Diversion Plan. Your request indicates that the staff will "consider any environmental impacts associated with changes to the Point Pleasant Diversion Plan". It does not indicate clearly whether this includes the addition of the Point Pleasant Diversion Plan to the scope of the staff's inquiry as a change in the plan, but the implication is that only physical changes in the plan since issuance of the construction permits will be included in the staff's evaluation. Such a limitation on the scope of inquiry by the staff is unjustifiable, in Del-Aware's view, under the Board's decision of June 1, 1982, and the facts and law.

I, therefore, wish to urge upon you the recognition of the fact that the Point Pleasant Diversion Plan was not considered at all (except with respect to increased water diversion) in 1974 because it was assumed that Point Pleasant would be built with or without Limerick. Since that is no longer the case, it is necessary for the staff to review

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Mr. A. Schwencer  
Page 2  
July 16, 1982

Point Pleasant ab initio, and to evaluate the environmental impacts of the plant as a whole, as well the alternatives thereto.

In view of the Board's accelerated consideration of contentions related to operational impacts associated with changed circumstances regarding Point Pleasant and the \$2.206 Request filed by Del-Aware, both referenced in the second paragraph of your letter, it is respectfully submitted that your inquiry should be broadened to include these considerations, and that broadening should take place immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Sugarman", with a long horizontal flourish extending to the right.

Robert J. Sugarman

RJS/nk  
cc: Service List



Consumptive Loss of Water - Most of the water pumped to the North Branch Neshaminy Creek will return to the Delaware River. There will be some loss through consumptive water supply use and through evaporation from the reservoir but these losses are expected to be small.

The water pumped to the East Branch Perkiomen Creek for the Limerick nuclear power plant will be lost by evaporation to the atmosphere from the cooling towers proposed for the plant. This loss will be matched by water from the Beltsville Reservoir during those periods of the year outlined in the Limerick water supply conditions (see Description of Proposed Action). This loss will affect the scheduling of future water users which must be balanced against the salinity controls for the Delaware River. The regulations developed by the Delaware River Basin Commission for water use at Limerick are intended to offset the impact from consumptive loss.

The consumptive loss is considered to be a moderate adverse impact only due to the present lack of major water supply reservoirs. Future reservoirs can entirely offset this impact.

Drawdown of Supplying Reservoirs - The consumptive use of water, as well as the diversion in general will normally cause some summer drawdown on the supplying reservoirs, in this case Beltsville. The drawdown will have an adverse affect on recreational use and the esthetic value of the reservoir shoreline of a temporary nature. Recreational facilities scheduled for reservoirs are designed to adjust to periods of drawdown. Greater lengths of beach are exposed, boat launching becomes slightly more difficult and the waters edge tends to become untidy. Experience has proven, however, that these adverse effects do not prevent recreational use of the reservoirs.

The drawdown is considered to be a very slight adverse impact.

Intake Entrapment - The design of the facility has not reached the stage where an adequate technical evaluation can be made at this time. The applicant has been made aware of the problem and the design will be carefully reviewed by the Commission to assure minimal aquatic loss due to entrapment.

Esthetics of Pumping Station - The pumping station facility is isolated in an area of excellent visual quality. Temporarily construction will adversely effect the immediate vicinity of the station with equipment, movement, noise, and exposed excavation. When construction is completed however, the pumping station should blend reasonably well with the existing environment. For several

years the newness of the facility and the freshness of the landscaping will be apparent. In time the facility should not be noticeable. The loss of esthetic value therefore is considered to range from very slight to no impact over time.

#### Beneficial

Increased Water Flow in Creeks - The overall ecological conditions of the creeks will be greatly enhanced as a result of the increased water flow if the water level fluctuations are kept to a minimum. Presently, parts of both the North Branch Neshaminy Creek and East Branch Perkiomen Creek dry up during the summer months. Fish in these areas can exist only in the pools remaining in the stream bed. The diversion will increase the fisheries potential in both creeks as a result of the continuous minimum flow proposed.

The increased velocity of the water flow in the East Branch Perkiomen Creek will not be an adverse impact due to the many dams existing in the Creek bed. It is anticipated that all aquatic life presently existing from Sellersville downstream will remain in vastly improved conditions. From Sellersville upstream to the discharge point certain of the small aquatic life may be altered due to the increased flow but, generally, an enhancement of aquatic life is also anticipated.

The increased flows would also provide the minimum low flow augmentation necessary for the sewage treatment facilities on the Neshaminy and Perkiomen Creeks to meet their required standards of stream discharge. The effluent requirements, as ordered by the Sanitary Water Board, Pennsylvania Department of Health on April 30, 1970, are:

- 1) The five (5) day biochemical oxygen demand (carbonaceous, nitrogenous, and other oxygen consuming substances) of the raw sewage or industrial wastes shall be reduced by at least 95% before discharge to the receiving stream.
- 2) The total soluble phosphate measured as  $PO_4$  of the treated sewage or industrial wastes effluent shall not exceed 0.50 mg/l as an average of 7 consecutive-day samples or 1.0 mg/l at any time.
- 3) The effluent shall otherwise meet all requirements of secondary treatment for biodegradable wastes and its equivalent for nonbiodegradable wastes as defined in the Rules and Regulations of the Board.

Neshaminy Watershed Project will provide an adequate water supply not only to a significant area, but also to a major segment of the population in the Commonwealth of Pennsylvania. New York State has in the past supported the project as a component of the Delaware River Basin Commission's Comprehensive Plan. The proposed modifications to the project are based on the increased need for water and are a prudent approach, and New York State continues to support this project with a favorable vote.

With respect to the Philadelphia Electric Company portion of the docket, New York State in the past has also supported this project as an element of the Delaware River Basin Commission's Comprehensive Plan. The proposed increase in capacity of the reservoirs does not represent a major change in the project, and New York State intends to vote affirmatively for this portion also.

COMMISSIONER TRIBBITT: Mr. Chairman, I have four communications. The first is from the Executive Director to NRC; the second, from NRC to the Executive Director; the third, the letter addressed to me from EPA which you took the liberty to read; and, finally, a communication from EPA to NRC. I respectfully request that with the exception of the EPA letter the Secretary read

EXHIBIT A

these communications.

SECRETARY WHITALL: This is from Mr. Hansler to Mr. Eisenhut of NRC:

"This is to confirm our recent conversation concerning the Limerick nuclear generating plant on the Schuylkill River in Pennsylvania. It is my understanding that the Nuclear Regulatory Commission intends to prepare an Environmental Impact Statement on the operating license aspect of the Limerick plant which is now under construction. If this is the case, it would be very much appreciated if you could so inform me in writing as soon as possible. The Delaware River Basin Commission intends to act on the Point Pleasant Pumping Station project, an adjunct to Limerick, within the near future."

And then he gives our telephone number.

The second letter, replying to Mr. Hansler, is from Mr. Tedesco, Assistant Director for Licensing of the Division of Licensing of NRC, and the date is December 16, which is one day following the date of the previous letter.

"This is in response to your letter of December 15, 1960 to Mr. Darrel Eisenhut concerning the

preparation of an Environmental Impact Statement for the Limerick generating station during the Nuclear Regulatory Commission operating license review. As required by NRC regulation contained in 10CFR Part 51, applicants for an operating license must submit an Environmental Report which will be reviewed by NRC as part of its National Environmental Policy Act review requirements.

"Based upon the applicant's Environmental Report the NRC staff will review the environmental impacts associated with the operation of the LGS, including those facilities that are required to support its operation. This review will specifically consider information and data that have been developed subsequent to the issuance of our final environmental statement for the construction permits. After completion of this review both draft and final environmental statements will be issued."

The remaining letter is addressed to Mr. Tegesco of the NRC from Mr. George Pent, Chief of the Environmental Impact Branch of EPA, and it is dated February 17, 1981.

"Philadelphia Electric Company's Limerick nuclear facility is a complex project that has been controversial for many years. We have recently been involved in numerous meetings with the Delaware River Basin Commission concerning plans to permit diversion of water from the Delaware River, in part for supplemental cooling water supply for the facility. We are particularly concerned with the consumptive use of scarce water resources, the mechanisms for provision of the necessary storage, and the physical and biological impacts on the natural streams which will convey the flows to Limerick.

"Therefore, we were pleased to hear from the DRBC, from Dr. Sam Worth at NRC in Washington, and from the article quoting you in the Philadelphia Inquirer, February 10, 1981, that NRC is planning to prepare draft and final Environmental Impact Statement supplements prior to issuance of an operating license for Limerick.

"We were also encouraged to note that you will be including review of the impacts of the supplemental cooling water diversion. DRBC has indicated that they would like to consult and coordinate with you

on those portions of the EIS.

"Since, as required by the National Environmental Policy Act, EPA will be reviewing the EIS, we would like to participate in the project scoping meetings so as to address the concerns we have raised in the past and provide for their resolution in a timely fashion during EIS preparation. We are looking forward to working with you."

COMMISSIONER TRIBBITT: Mr. Chairman, without objection I request that those communications which have been read be made part of this public hearing record.

CHAIRMAN PICCO: Any objections from the panel? (None) They will be entered as part of the record.

COMMISSIONER TRIBBITT: Mr. Chairman, if I might on behalf of the federal government just as other Commissioners are expressing themselves: In trying to correlate the responsibilities of various federal agencies on any subject that may be before a regulatory board such as the Delaware River Basin Commission -- sometimes with a great many opinions on authorities and jurisdictions, and with EPA being one of those who for some time had been one of the leading agencies to voice objections, it is quite clear to me with this communication dated February 17 that

PA has no particular problem with diversions and they are looking directly to NRC for any EIS's relative to the subject matter before us and not to this particular regulatory agency.

Under those circumstances the federal representative feels he can very well cast an affirmative vote on these two matters before the Commission.

COMMISSIONER EICHLER: I would like to point out initially that when my colleague from Pennsylvania mentioned that he did not think there would be any more need for power plants in the fresh water part of the Basin I held my breath for a moment; and then he went on to say that he thought they could be located in the Ohio and Susquehanna. I was gratified to hear that.

We have paid a great deal of attention to these dockets before the Commission. I personally attended the hearing in Kulpville and have looked at the record very extensively and have studied the project to a great extent, and I have felt that it is one of the most complex and certainly one of the most important projects that has come before the Commission in the time that I have been on it. It was with that in mind that we spent as much time in Delaware looking at this as we did.