

09/07/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

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)
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Docket Nos. 50-352
50-353

NRC STAFF RESPONSE TO DEL-AWARE UNLIMITED'S
APPLICATION FOR APPROVAL OF PETITION TO AMEND CONTENTIONS

I. INTRODUCTION

On August 26, 1982, Del-Aware Unlimited Inc. (Del-Aware) filed an Application for Approval of Petition to Amend Contentions, urging this Board to reconsider its previous rejection of Del-Aware's contention V-16c and to admit a rewritten and modified contention V-16c. Del-Aware's contention V-16c as rewritten alleges that the Applicant's proposed supplementary cooling water system for the Limerick plant, utilizing Delaware River water, will result in pollution of the Perkiomen Creek and that construction of the Pt. Pleasant diversion well result in the diversion of toxics into the Neshaminy Creek and hence into the public drinking water system proposed to be operated by Neshaminy Water Resources Authority (NWRA).

As a basis for its renewed contention V-16c, Del-Aware cites seven data sources concerning sampling of Delaware River water.

The NRC Staff opposes Del-Aware's Application on four grounds:

1. The Board has twice rejected this contention, which was originally submitted as two contentions, V-16c and V-17.

DESIGNATED ORIGINAL

Certified By *[Signature]*
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2. Del-Aware has offered the Board no new information which is significant and relevant to any determination which needs to be made by the NRC and which might lead to a redetermination regarding the admissibility of the contention(s).

3. The only new information of which Staff is aware which is relevant to Del-Aware's resubmitted contention does not support Del-Aware's position, but rather gives stronger support for rejecting the contention than was available when the Board made its previous rulings on this matter.

4. The application does not meet, (nor even address) the criteria established by the Commission for admission of late contentions into licensing proceedings, 10 C.F.R. 2.214(a)(1)(i-v), and it does not appear from Del-Aware's application that the required showing could be made.

II. DISCUSSION

1. The Board Has Twice Rejected This Contention Which Was Originally Submitted As Two Contentions, V-16c and V-17

In its Special Prehearing Conference Order of June 1, 1982, the Board rejected Delaware's contention V-16c, which, as originally submitted, alleged among other things that the discharge of Delaware River water into the Perkiomen and into the Schuylkill would cause toxic pollution and adversely affect fishing and drinking water supplies. The basis offered was "EPA water quality surveys," which, according to Del-Aware, showed the Delaware River to be "extremely toxic." The Board's rejection of Delaware's contention V-16c was based on a lack of specificity and on the grounds that the impact on the Perkiomen and the

Schuylkill had been considered at the CP stage and that no party to the instant proceeding had shown that changes since the CP stage would affect discharges into the Perkiomen and the Schuylkill.^{1/}

Also, in the Order of June 1, 1982, the Board rejected Delaware's V-17, which alleged that impacts of that portion of the diversion to be used solely by NWRA should be treated as impacts of Limerick. The Board's rejection of V-17 was based on its finding that NEPA does not require the NRC to consider impacts attributable solely to NWRA.^{2/}

In its Memorandum and Order Concerning Objections, dated July 14, 1982, the Board again rejected Del-Aware's argument, advanced in support of V-17, that NWRA is financially dependent on PECO. The Board again noted there that the "but for" test advanced by Del-Aware is not the correct segmentation test.^{3/} Also in its Order of July 14, 1982, the Board stated that the information advanced by Del-Aware to support its V-17, that the new intake location in the proximity of the Tohickon Creek entry into the Delaware River would cause an increase in toxicity of the water taken in, was relevant to V-16c rather than to V-17. The Board expressed its willingness to consider the admission of an untimely contention at such time as it becomes apparent that the intake will be located where it allegedly will take in more seriously degraded water.^{4/}

1/ Special Prehearing Conference Order, June 1, 1982, 98-99.

2/ SPCO, June 1, 1982, at 99.

3/ Memorandum and Order, July 14, 1982, at 10.

4/ Memorandum and Order, July 14, 1982, at 10-11.

2. Del-Aware Has Offered The Board No New Information Which Is Significant And Relevant To Any Determination Which Needs To Be Made By The NRC And Which Might Lead To A Redetermination Regarding The Admissibility Of The Contention

Of the seven data sources offered by Del-Aware as additional specific basis for its amended contention V-16c, six have been available for a substantial period of time. The only data source not available until recently is Item 6, Water Quality Analyses produced by PECO during depositions in Philadelphia on August 6, 1982. One page of the document is attached to Del-Aware's Application as Exhibit B. Exhibit B shows that some 75 samples of water taken during the first six months of 1982 were tested for trichloroethylene and that trace elements were found in seven of the samples, one of which was taken at the Tohickon mouth (T-50-3 is identified by Del-Aware as being the mouth of the Tohickon). Del-Aware, in its paragraph 7, urges a comparison between Delaware River water and drinking water from the Neshaminy Creek and cites to the EPA's regulations (in 40 C.F.R. Part 141) promulgated pursuant to the Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq. As the Staff reads the Act and the EPA's regulations thereunder, 40 C.F.R. Part 141, National Interim Primary Drinking Water Regulations, maximum contaminant levels are applicable at "the free flowing outlet of the ultimate user of a public water system" or, in laymen's terms, at the tap. The regulations cited by Del-Aware are not applicable to creeks and rivers and have no applicability to the issues before this Board. Del-Aware's

statement that there are drinking water standards applicable to the Neshaminy Creek is simply in error.^{5/}

The Board's Order of July 14, 1982 expressed a willingness to consider whether there was justification for admitting an untimely contention alleging that the relocation of the intake would result in the taking in of "more seriously degraded" water. Presumably the comparison to be made is between the location previously proposed and the change of January 1982, moving the intake 45 feet further into the river. Del-Aware offers nothing on which to base such a comparison. Nor does it offer any basis for comparing the water quality of the Del-Aware -- at either of the two intake locations most recently proposed -- with that of the Perkiomen and/or the Neshaminy. Nothing which Del-Aware has offered in support of its resubmitted contention indicates that there is a significant difference in the quality of the water at the intake location previously considered and the location now under consideration by the Corps of Engineers.

Notwithstanding Del-Aware's allegations concerning the extreme toxicity of the Delaware River, the city of Philadelphia uses it as a source of drinking water. Limerick ER-OL, 2.1.3.6. Trenton also uses

^{5/} In City of Evansville v. Ky. Liquid Recycling, Inc., 604 F.2d 1008 (7th Cir., 1979), the Court of Appeals for the Seventh Circuit construed the Safe Drinking Water Act as follows: "That Act authorizes the Administrator of the EPA to prescribe maximum contaminant levels in drinking water and specific treatment techniques to reduce the level of contaminants in drinking water.... [T]he act does not purport to regulate discharges of pollutants. It focuses on 'public water systems' ... and attempts to insure that such systems provide drinking water that minimum safety meets standards. At 1017.

the Delaware River for its water supply. Water Quality Impact Assessment - Supplement, PaDER, June 2, 1982 (page supplied as Attachment 1).

3. The Only New Information Of Which Staff Is Aware Which Is Relevant To Del-Aware's Resubmitted Contention Does Not Support Del-Aware's Position But Rather Gives Stronger Support For Rejecting The Contention Than Was Available When The Board Previously Ruled On The Matter

Del-Aware was advised by letter of July 28, 1982 from C. T. Beechwood, Water Quality Manager, PaDER, that NWRA would not be required to obtain an NPDES permit relative to the release of Delaware River Water from the Pt. Pleasant Pumping Station into the North Branch of the Neshaminy Creek (Attachment 2). Enclosed with the letter was a PaDER internal memorandum noting, among other things, that an NPDES permit would not be required for discharging Delaware River water into the East Perkiomen (Attachment 3). Since the agency with statutory jurisdiction over the matter, having evaluated all Del-Aware's information concerning the water quality of the Delaware, has announced that NPDES permits will not be required in order for NWRA to discharge Delaware River water into the Neshaminy Creek and for PECO to discharge into the East Perkiomen, Staff is uncertain what more Del-Aware would now have this Commission do with regard to that issue.

4. Del-Aware's Application Does Not Meet The Criteria Required By The Commission's Rules For The Admission Of Late Contentions

The Commission's Rules of Practice require boards to consider five factors in ruling on the admissibility of untimely contentions.

10 C.F.R. 2.714. Those factors are:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.

- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

The only one of these criteria which Del-Aware might be said to have addressed is the first, good cause. Del-Aware considers the proposed relocation of which the Corps of Engineers was informed in January 1982, to be new information, constituting good cause for the untimeliness of its Application. However, to Staff's information, the status of NWRA's application to the Corps is unchanged since January 1982, and since the Board's July 14, 1982 Order. Thus, it is no more apparent today than it was in January or July that the intake will be in "more seriously degraded waters."

Del-Aware's Application adds one additional data point to the voluminous body of water quality data already available at an earlier time, data concerning sampling for TCE. The Staff is aware of many documents which recognize the presence of TCE in the water supply of Philadelphia and other cities. In June 1975, EPA published a Preliminary Assessment of Suspected Carcinogens in Drinking Water, in which trichloroethylene was identified as present in Philadelphia's waters. Hence, although there is new documentation concerning the presence of trace elements of TCE in the Delaware, Staff's information is that the presence of TCE in the waters of the area has been known for some years. A new data point cannot constitute good cause for an untimely contention.

The second factor to be weighed in determining whether a late contention should be admitted is the availability of other means whereby the petitioner's interest will be protected. As has been pointed out supra, Del-Aware has presented its views on the very contention it seeks to resubmit here in another forum, namely the Pennsylvania Department of Environmental Resources. See, generally, Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-78-1, 7 NRC 1 (1978) at 23-29.

The third factor to be considered is the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record. The Board has set for early hearing three narrow issues concerning operational impacts of the Pt. Pleasant diversion which were not considered at the CP stage. Expansion of those contentions to include issues considered and determined at the CP stage or issues within the jurisdiction of other agencies would not contribute to the development of a sound record.

The fourth factor, the extent to which other parties will represent petitioner's interest, weighs in Del-Aware's favor, assuming an interest falling within the scope of this expedited proceeding, since Del-Aware is the only party-intervenor proposing to raise these issues in this proceeding.

The fifth factor, the extent to which issues will be broadened and the hearing delayed by the admission of the late-filed contention, should be determined against Del-Aware. Although the Board rejected V-16c, it admitted V-16b. The basis for the two contentions was the same, the allegedly poor water quality of the Delaware River. Although Del-Aware

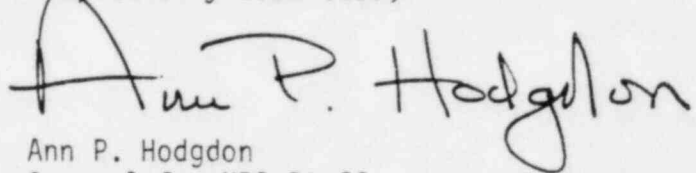
states that little or no additional time would be required to adjudicate this contention, because water quality is already an issue, Staff regards the expansion of the water quality contention to include the East Perkiomen to present the potential for lengthy delays in the hearing itself and almost certainly delay the start of the hearing, as discovery would need to be reopened if the water quality issue is to be carried beyond the Bradshaw.

Thus, in Staff's opinion, a balancing of the five factors weighs in favor of denying this untimely-filed contention.

IV. CONCLUSION

For the reasons discussed above, Del-Aware's application to amend contentions should be denied.

Respectfully submitted,

A handwritten signature in black ink that reads "Ann P. Hodgdon". The signature is written in a cursive style with a large initial "A".

Ann P. Hodgdon
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 7th day of September 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO DEL-AWARE UNLIMITED'S APPLICATION FOR APPROVAL OF PETITION TO AMEND CONTENTIONS" in the above-captioned proceeding have been served on the following by deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by an asterisk by hand delivery, or as indicated by double asterisk by Federal Express, this 7th day of September 1982:

*Lawrence Brenner, Esq., Chairman (2)
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Dr. Peter A. Morris
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

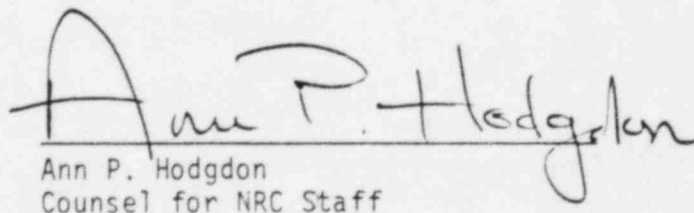
Atomic Safety and Licensing Appeal
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Secretary
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Ann P. Hodgdon
Counsel for NRC Staff

Water Quality Impact Assessment - Supplement
Point Pleasant Diversion

Location What W.Q. Impact Assessment

plants. Philadelphia Suburban Water Company operates a water filtration plant at Janey downstream from all dischargers and significant tributary streams. Their monitoring reports for THM show the drinking water to be within the EPA requirements. Pt. Pleasant diversions will not alter those reports. DRBC indicates that the Trenton water supply (using the Delaware River) THM concentration is non-detectable.

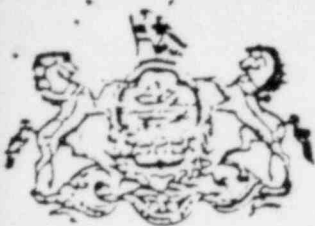
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

1875 New Hope Street
Norristown, PA 19401
215 631-2411

SL...



July 28, 1982

Mr. Robert J. Sugarman
Sugarman and Dentworth
Suite 510, North American Building
121 South Broad Street
Philadelphia, PA 19107

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Slopes
Nashaminy
Box 875
RD #2
Stratton
NS-
08559

Re: Point Pleasant Diversion
Neshaminy Water Resources Authority
Plumstead Township, Bucks County

Dear Mr. Sugarman:

We wish to advise the following regarding your June 28, 1982 letter.

The Neshaminy Water Resources Authority will not be required to obtain a NPDES permit relative to the release of Delaware River water from the Point Pleasant Pumping Station into the North Branch of Neshaminy Creek. A copy of Mr. Rehm's April 6, 1982 memo is enclosed in accordance with your request.

The Department's response to your concern relative to applicability of Section 316(b) of the Federal Clean Water Act will be forthcoming.

Very truly yours,

C. T. Beechwood
C. T. BEECHWOOD, P.E.
Regional Water Quality Manager

- cc: Ms. Wells
- Mr. Weston
- Mr. Gonshor
- Ms. Wolfling
- Ms. Thompson
- Dams & Waterways Management
- Re 30 A408

Environmental Resources
 April 6, 1982
 8-354-2426

SUBJECT: Need for Public Hearing
 Point Pleasant Diversion
 Neshaminy Water Resources Authority (NWRA)

TO: Leon T. Gonshor
 Regional Director

Thru: C.T. Beechwood, P.E.
 Regional Water Quality Manager

FROM: Charles Palm, Chief
 Planning Section

The Department recently determined that we are obliged to publish, for public comment, notice of receipt of any application for certification (under §401) of any project requiring a Federal permit pursuant to §404 of the Federal Act, prior to taking action on the application. Since the Department did not publish notice that it had received the Authority's application for certification of the Point Pleasant diversion and channel realignments of North Branch Neshaminy Creek and Pine Run dated May 11, 1982, we withdrew the subsequent Department certification issued by letter dated August 14, 1982.

In the February 6, 1982 issue of the Pennsylvania Bulletin, the Department published notice that 1) on May 11, 1981, the Department received from the Authority an application for water quality certification pursuant to §404 of the Federal Act, and 2) the Department had withdrawn its August 14, 1981 certification and will reconsider the Authority's application in light of all comments received within thirty (30) days after publication of notice. The public comment period closed March 8, 1982.

Leon Gonshor attended our March 15 staff meeting and re-emphasized that the decision on whether or not to hold a public meeting was a program decision, not a legal one. He also reported on a meeting/conference call between Middendorf, Weston, Boardman, Ford, Welfling, and himself regarding the Point Pleasant project. Concluding, a formal decision would not be made until we make a review to determine the impact of diversion discharges to the North Branch Neshaminy Creek and East Branch Perkiomen Creek and decide whether an NPDES permit is necessary for this diversion and whether a dam/reservoir release is an NPDES point source. Also, the release of a 401 certification letter should be coordinated with Dams and Waterway Management and not precede the finalization of DER action on the Dams and Encroachment permits. Furthermore, the water treatment sludges will be under a solid waste permit.

Point Pleasant Diversion
Neshaminy Water Resources Authority (NWRA)

In view of the foregoing, our charge is threefold:

1. Based on the assumption the applicant (NWRA) applies for, receives and complies with all necessary Department approval, will the construction of the various components of the NWRA's water supply plan violate applicable State water quality standards? (We have not received a 401 request from PECC.)
2. Should the proposed diversion discharges to North Branch Neshaminy and East Branch Perkiomen Creeks and discharges from Bradshaw Reservoir and Lake Galena be a point source under the NPDES system?
3. Based on the public comment received, is there a need for a public fact finding hearing or an informal conference to resolve conflicts?

My opinion, based on the following supporting material is that: 1) no violation of water quality standards will occur; 2) it is recognized there was a District Court Order, January 29, 1982, that has been appealed by EPA regarding NPDES permits for dam/reservoir releases and until this case has been adjudicated, an NPDES permit should not be required; also, we do not expect that the discharges/releases will cause water quality violations; and, 3) a public hearing not be held and in lieu of one, the Department prepare a response addressing the public concerns.

The matrix that follows attempts to reduce our impact review and the public's technical comments to a simpler form. Also, I have attached an exhibit showing the two proposals. The components of the Neshaminy water supply plan are: Point Pleasant Intake and Pumping Station, Combined Transmission Main, North Branch Transmission Main and North Branch Water Treatment Plant Intakes and Service Areas. The Philadelphia Electric Company's proposal includes the Bradshaw Reservoir, a pumping station and transmission main to East Branch Perkiomen Creek.

There were approximately 400 responses to our public notice. 385 were prepared forms or original letters essentially reproducing the form. A sample form is attached. I have specifically listed several responses, which because of source or content, deserve recognition. This is not meant to demean or discredit the response of those who completed the prepared forms or took the time to write personal notes ascribing to the same general concerns as the Delaware group.

Representative James Greenwood is requesting a joint public hearing involving our certification, the D&E permits and, if possible, the Corps of Engineers permit. He cites the fact that four location shifts for the intake demonstrates the recognized potential for damage to the River. He is also not satisfied

Point Pleasant Diversion
Neshaminy Water Resources Authority (NWRA)

that the authority has provided a clear answer to the impacts on the river's recreational access areas or studied the River's possible flow patterns after intake construction for protection of spawning areas of the American Snad? Representative Greenwood is not satisfied that the population is safe from injury from blasting operations. He fears that a local stream, Hickory Run, will become dry as a result of blasting. He expresses concerns of reduced flow in the lower River, the discharge of toxics from the River and the impacts on the Neshaminy and Perkiomen stream channels. In closing, Representative Greenwood implies that the diversion proposal is contrary to State Water Plan policy and other alternatives should be considered.

Representative James Gallagher, expressed "deep" concerns over the diversion and procedures for certification. He feels the issue of water availability and useability is of such magnitude that public hearings should be scheduled. He also mentions increased operation costs to downstream waste treatment plants to offset diminished dilution water, saline intrusion and reinvestigation of alternatives in his statement. These issues are addressed in the matrix.

Upper Salford Township Board of Supervisors submitted their Resolution No. 82-2, dated March 9, 1982 requesting the Department hold a public hearing. They also attached a copy of their statement presented at DRBC's November 18, 1980 public hearing. Said testimony centered on their inclusion in NWRA's service area, diversion of Delaware River water will increase the flooding hazard and impacts along the East Branch of Perkiomen Creek and considering PECO's and NWRA's projects jointly was too confusing. Only the flood issue needs response and is included in the matrix.

The Mayor of the City of Burlington, New Jersey wrote to alert the Department to the money and effort expended to date for improving and protecting their waterfront as this issue was not resolved at the 17th Annual Delaware River Basin Water Resources Council Conference. The Mayor feels that Pennsylvania State and County governments could, through proper land use controls, conserve existing water supplies and provide for controlled, orderly development compatible with existing resources. He also feels that we are engaged in a numbers game involving the projected year 2000 service area population and the per capita water consumption figures to justify the project. We have also not considered 1) the loss of Tocks Island Reservoir in planning for the Diversion, 2) alternate schemes for supplying water and 3) less unpolluted dilution water entering the more polluted tidal Delaware River. The whole question of water resources planning including water supply is beyond the scope of the certification action is governed by DRBC, who has endorsed the proposal. The impact on water levels and downstream quality is covered in the matrix.

Point Pleasant Diversion
Neshaminy Water Resources Authority (NWRA)

The Limerick Ecology Action group, in a short letter, expressed concern about the adverse and unstudied impacts on the East Branch and main stem of the Perkiomen Creek. Specifically, they raised questions on flooding, erosion, increased stream velocities and phosphate/heavy metal introduction into the Perkiomen basin. No documentation supported their letter. The concerns are included in the matrix.

A copy of a petition with approximately one thousand signatures of Plumstead Township residents was submitted requesting a public hearing. The original copy of the petition was sent to the Plumstead Township Supervisors urging them to deny any proposal to alter their zoning ordinance, or to issue any variance that would permit the construction of the Point Pleasant Pumping Station. Local zoning issues are beyond the scope of the certification process.

The Delaware Water Emergency Group has requested a public hearing citing the public's ability to understand and comment on the diversion plan is hampered by changes in the plan which have made prior assessments and descriptions confusing and misleading, fragmented permit reviews by different agencies on limited review scopes and the lack of a comprehensive review of what is now proposed. They request consideration of flow augmentation, dams, intake location, sewage treatment and a specific industrial waste case on the Neshaminy in our decision.

The Delaware group feels that hearings should be held and deal with the adverse effects on the State Water Plan, the problems of salinity in the Delaware River, the potential impossibility of finding a safe and environmentally sound location in the Point Pleasant area, the impacts of different operating scenarios on the Delaware River as well as the economic and environmental effects on the source area, the impact of transferring toxics from the Delaware River into the Neshaminy and Perkiomen watersheds and the relationship the Point Pleasant project has with the Limerick project. Delaware, in submitting their "documented evidence", is assured by the Article 1, Section 27 Amendment that the parameters are sufficiently broad to allow a complete analysis of all pertinent aspects of the diversion project.

The only correspondence against holding a public hearing comes from the Solicitor for NWRA. Mr. Richman indicates four public hearings have been held since May 30, 1978 and that another only serves to delay the project.

The need for holding a public hearing is not clear-cut. The environmental impact matrix shows that the technical concerns are not justified, insignificant or easily mitigated. I would concur with DRBC that no further assessment is needed. What is needed, however, is a clear, concise statement available to the public, stating specifically what the final proposal is, pulling together responses to their concerns and showing that agency review fragmentation does

Point Pleasant Diversion
Neshaminy Water Resources Authority (NWRA)

not impair or impact sound decision making. A fact finding hearing is not necessary, however, a letter presenting "our" response would be desirable and go a long way to dispel our rubber-stamp, non-environmental caring image.

As a result of recent litigation, releases from dams may be considered as point source discharges under the NPDES program. EPA has appealed a district court decision and in the interim has no regulations or issued categorical exemptions to this requirement. Lake Galena, PA 617, exists and is a highly used recreational facility. Eutrophication is not a problem. No water quality problems have been associated with the releases from the lake. There is nothing unique to the impoundment and as discussed in the impact assessment, Delaware River water is compatible with that presently in the North Branch Neshaminy Creek. Therefore, it is not anticipated that the impounded water quality would be degraded by the diverted water to the extent that downstream problems would occur. In fact, the diversion of river water during low flow periods will be beneficial as retention periods in the lake would remain relatively short. Consequently, there is no need to impose permit requirements on the releases. Routine operations of the public water supply would be sufficient monitoring for the impounded water.

Also, the Department has determined that an NPDES permit is not required for the release of Delaware River into the North Branch of Neshaminy Creek or the East Branch Perkiomen Creek. An NPDES Permit will have to be obtained by PECO relative to the discharges to the Schuylkill River from its proposed Limerick generating station.

Re A354