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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352
) 50-353
(Limerick Generating Station,)
Units 1 and 2))

APPLICANT'S REPLY TO DEL-AWARE'S RESPONSE TO
LICENSING BOARD'S REQUEST FOR INFORMATION
REGARDING FLOWS IN SCHUYLKILL RIVER

Preliminary Statement

During the course of the hearings in the above captioned proceeding, the Atomic Safety and Licensing Board ("Licensing Board" or "Board") requested that Applicant provide certain information regarding flows in the Schuylkill River. The Board requested this information in order to assist it in ruling on the admissibility of proposed Contention V-24, a late contention submitted by Del-Aware Unlimited, Inc. ("Del-Aware") relating to one versus two-unit operation at Limerick. The Board also requested data with respect to changes in the water supply available in the future. The Board apparently wanted to ascertain whether additional storage on the Schuylkill will increase the availability of Schuylkill water for Limerick's

use in the future. Applicant answered the Board's request on November 9, 1982. ^{1/}

On November 17, 1982, Del-Aware filed a response with information that far exceeded the scope of the Licensing Board's limited inquiry. Moreover, the information submitted by Del-Aware is inaccurate. Del-Aware has used the Board's request as a vehicle to clutter the record with erroneous and irrelevant statements regarding so-called "alternatives" to the Point Pleasant diversion. Applicant submits the following information to clarify the record.

Argument

Among the "alternatives" to Point Pleasant suggested by Del-Aware is the use of more Schuylkill River water than is currently available under the terms of the DRBC order. More Schuylkill water could be used, Del-Aware alleges, because the temperature restraints on the use of the Schuylkill are "completely arbitrary." ^{2/} Del-Aware then addresses the

^{1/} On November 23, 1982, after that submission was filed with the Board, the Delaware River Basin Commission ("DRBC") adopted a resolution denying a petition of Delaware Water Emergency Group, Del-Aware Unlimited, et al., to reopen its proceedings granting approval to the Point Pleasant project. Applicant provided the Board and the parties with copies of this resolution and related documents on November 26, 1982. In response to allegation 4-C at pp. 5-6 of the "Staff Response to Petitioner's Factual Allegations of September 24, 1982," the Staff concluded that "The difference in the number of days in which Schuylkill River flows would be available . . . for one versus two units is insignificant.

^{2/} Del-Aware's Response to Licensing Board's Request for Information Regarding Flows in Schuylkill River (hereinafter "Delaware's Response") at 3.

merits of the 15° C temperature restriction imposed by the DRBC in Docket No. 69-210 CP on Applicant's use of Schuylkill River water.

This discussion is completely irrelevant to the Board's request for information and to the proposed contention. There is no conceivable justification for Del-Aware's attempt to ask this Board to review or consider any restriction imposed by the DRBC to determine alleged arbitrariness. The temperature restriction was imposed upon Applicant by the regulatory agency with jurisdiction over Applicant's use of Schuylkill River water. ^{3/} It is clearly not the function of the Board in this proceeding to consider the merits of this restriction, which is necessarily tied up with DRBC's water allocation function and therefore beyond the jurisdiction of the Licensing Board. The removal of this restriction cannot be considered an "alternative" to use of Delaware River water. ^{4/}

Del-Aware's suggestion that flows from the Blue Marsh Reservoir could be made available for Limerick is likewise

^{3/} Mr. Hansler did not, in fact, suggest in his testimony before the Board that any change in this restriction is contemplated. Del-Aware's suggestion to the contrary is a mischaracterization of the record. Del-Aware Response at 3.

^{4/} Thus, Del-Aware's statement that deletion of this requirement would assure PECO of Schuylkill River water at "most, if not virtually all, times" is irrelevant. It is also inaccurate and Del-Aware offers no basis for this sweeping assertion. In fact, flow restrictions alone would prevent use of Schuylkill River water on many occasions. See letter of October 6, 1982 from Gerald M. Hansler to Judge Brenner.

baseless. Applicant discussed with the DRBC in the early planning stages of Limerick the possibility of using flows from Blue Marsh and was informed that this water could not be made available for Limerick. ^{5/} Contrary to Del-Aware's assertion, the memorandum to Commissioner Banning of Montgomery County, Pennsylvania attached as Exhibit D to its filing is inconclusive as to allocation from Blue Marsh and does not suggest that the water could be made available for Limerick. Further, the portions of the transcript cited by Del-Aware do not suggest that Blue Marsh releases would be made available to Limerick. DRBC has not allocated flows from Blue Marsh Reservoir to Limerick, and has not indicated that such flows will be made available in the future.

It should also be noted that all releases from storage into the Schuylkill would not necessarily be included in a determination of whether flows are sufficient to permit withdrawals for Limerick. The relevant DRBC docket decision specifically provides:

Schuylkill River water at the plant may be used for consumptive use when flow (not including future augmentations of flow from Commission sponsored projects) as measured at the Pottstown gage is in excess of 530 cfs (342 mgd) with one unit in operation and 560 cfs (362 mgd)

^{5/} See attached letter of October 25, 1976 from James F. Wright, Executive Director of the DRBC, to Mr. Joseph Banta, Borough of Pottstown, stating that Blue Marsh will be needed to meet the requirements of commercial and industrial users in the Schuylkill River, without consideration of Limerick. See also "Staff Response to Petitioners Factual Allegations of September 24, 1982," DRBC, November 23, 1982 at 5-6.

with two units in operation (emphasis added). 6/

Del-Aware asserts that Applicant has "refused" to consider development of other facilities on the Schuylkill, specifically the Red Creek Reservoir. 7/ Even as indicated in Del-Aware's Exhibit I, a portion of the Draft Environmental Impact Statement ("Draft EIS") for the proposed Merrill Creek Reservoir project on Merrill Creek in Harmony Township, Warren County, New Jersey, DRBC, July 1972, Red Creek was considered. However, after carefully weighing the potential benefits of each alternative, Merrill Creek was selected as the superior alternative. In selecting Merrill Creek as the preferable alternative, the DRBC stated that Red Creek:

[C]aused adverse impacts on the human environment and resulted in a reservoir of the poorest water quality. . . .
.....

The process of site selection resulted in the choice of Merrill Creek as the preferred site. Merrill Creek provided a site that had minimal impact on the human environment, involved the smallest loss of land, and created a reservoir of superior water quality. It offered the most reasonable compromise of all factors considered: environmental concerns, geotechnical feasibility, cost, flexibility, and potential for satisfying recreational needs. 8/

6/ DRBC Docket No. D-69-210 CP at 5 (March 29, 1973).

7/ Del-Aware Response at 5.

8/ Draft EIS for the Proposed Merrill Reservoir Project on Merrill Creek in Harmony Township, Warren County, New Jersey, DRBC, July 1982 at 2-92.

Del-Aware's estimate of cost savings which would result from eliminating Point Pleasant as a source of water for Limerick is inaccurate and without foundation. Even without Applicant's participation, the Neshaminy Water Resources Authority ("NWRA") would construct the Point Pleasant diversion. Moreover, to develop a new reservoir site at this time could require several years to obtain the necessary land and complete engineering studies, plans and specifications. This would delay the availability of water for Limerick and would hardly result in cost savings. None of the "alternatives" suggested by Del-Aware is economically feasible.

Conclusion

The "information" submitted by Del-Aware with respect to alternatives to the Point Pleasant diversion is irrelevant to the Board's limited request and erroneous. Proposed Contention V-24 should be denied.

Respectfully Submitted,

CONNER & WETTERHAHN, P.C.

Troy B. Conner, Jr. / H.M.O.

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November 29, 1982



JAMES F. WRIGHT
EXECUTIVE DIRECTOR

DELAWARE RIVER BASIN COMMISSION
P. O. BOX 7360
WEST TRENTON, NEW JERSEY 08628
(609) 883-9500

ARD *J. B. Mochel*

J. B. MOCHEL MECHANICAL ENGINEERING OCT 27 1976
Noted
Referred to QUARTERS LOCATION 25 STATE POLICE DRIVE WEST TRENTON, N. J.

October 25, 1976

W.H.D.

Mr. Joseph Banta
Borough Manager
Borough of Pottstown
King and Penn Streets
Pottstown, Pennsylvania 19464

Dear Mr. Banta:

I have your letter dated October 12, 1976, regarding sites for a water supply reservoir to supply the Limerick nuclear plant during periods of low flow. You have made some thoughtful suggestions regarding the selection of a reservoir site to which I would make the following comments.

With regard to the Maiden Creek Project, recent investigations by both the Corps of Engineers and this Commission now seriously question the economic feasibility of developing that particular site. More detailed subsurface geologic study has raised problems not heretofore considered. In any event, both the Blue Marsh Project (under construction) and the Maiden Creek Project (or some other alternative multipurpose project which may be identified) would be needed to meet future water supply requirements of municipal and industrial users in the Schuylkill Basin, without consideration of the specific need for the large consumptive water use for cooling purposes at the Limerick plant (35 million gallons per day) and at other generating facilities in the Delaware River Basin. Moreover, since the Blue Marsh Project will not be completed by the Corps of Engineers until the year 1979, it is not at all likely that a second Federally constructed reservoir in the Schuylkill Basin could undergo the necessary environmental reviews, detailed design and construction phases by anywhere near the proposed operational start-up of the Limerick Plant in 1981.

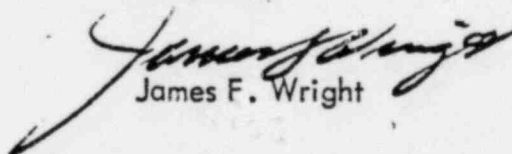
With regard to the culm retention basins of the Commonwealth of Pennsylvania, Philadelphia Electric Company (PECO) has studied that possibility and the results of that investigation are contained in a report "Cooling Water Supply for Limerick Nuclear Power Station" prepared for PECO by

Tippetts-Abbett-McCarthy-Stratton (TAMS) Engineers and Architects - May 1973. Use of the Douglasville, Sanatoga and Vincent retention basins were studied and it was determined that about 2270 acre-feet of storage remained, but by reconstruction and raising of the embankments about 4200 acre-feet could be developed at these sites. These storages compare to the more than 11,000 acre-feet of storage required to supply the Limerick Plant alone. Therefore, additional storage sites would have to be developed and several were investigated by the Company in the vicinity of Limerick. However, total opposition was expressed by the local officials to these sites during the Atomic Energy Commission (now Nuclear Regulatory Commission) regulatory hearings and the Company agreed to abandon further consideration of those sites.

Regarding your third alternative of a reservoir upstream of Pottstown, the Delaware River Basin Electric Utility Group (DRBEUG) has currently, through a series of discrete screenings of over 100 reservoir sites throughout the Delaware River Basin, identified four highest priority sites for further consideration. Two of the four sites are located in the upper Schuylkill River Basin above Reading on Red Creek and Mill Creek. The status of the studies to date is contained in a report "Site Study for a Water Supply Reservoir", prepared for DRBEUG by TAMS - August 1976. This Commission, on September 30, 1976, has directed the utilities to proceed to develop an application under Section 3.8 of the Compact, supported by an environmental report for the construction of the required storage. The application and accompanying environmental report shall be submitted to this Commission by October 1, 1977.

Rather than considering only the water supply needs of the Limerick Project, the utilities are investigating sufficient storage to supply a number of electric generating plants under construction or proposed in the foreseeable future. It is hoped, by incorporating all of the foreseeable future needs into one storage project, that environmental and economic impacts can be minimized.

Sincerely,


James F. Wright

*The Staff is being served by mail and Mr. Sugarman by Federal Express pursuant to an agreement by the parties.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Reply Findings of Fact and Conclusions of Law in the Form of An Initial Decision" and "Applicant's Reply to Del-Aware's Response to Licensing Board's Request for Information Regarding Flows in Schuylkill River" both dated November 30, 1982, in the captioned matter have been served upon the following by deposit in the United States mail, by hand delivery or by Federal Express noted below, this 30th day of November, 1982:

- | | |
|---|---|
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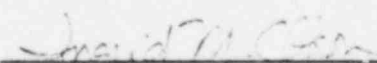
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