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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Commission

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

APPLICANT'S RESPONSE TO UNAUTHORIZED REPLY
BY DEL-AWARE UNLIMITED, INC. TO THE NRC
STAFF'S ANSWER ON REVIEW OF ALAB-785

On November 9, 1984, intervenor Del-Aware Unlimited, Inc. ("Del-Aware") filed what purports to be a reply to the NRC Staff's answer to the Applicant's petition requesting the Commission to review ALAB-785. The Commission's regulations expressly state in 10 C.F.R. §2.786(b)(3) that "[n]o . . . replies to answers will be entertained by the Commission." Moreover, a reply brief should never be attached to the motion seeking leave to file a reply, but should only be submitted after permission has been granted.^{1/} Accordingly, the purported reply by Del-Aware is unauthorized and should be stricken. The reply is nonetheless without merit substantively.

1/ Public Service Company of Oklahoma (Black Fox Station, Units 1 & 2), LBP-76-38, 4 NRC 435, 441 (1976).

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Del-Aware refers to statements by Applicant in its application seeking an exemption from certain general design criteria as they relate to the protection of the ultimate heat sink for Limerick from tornado missile impacts. There is no basis in the record for Del-Aware's inference that Applicant was referring to the Point Pleasant diversion project as a source of cooling water in the event the Limerick spray pond would be unavailable.^{2/} Nowhere in the record of the application has Applicant, as Del-Aware asserts, "explicitly stated that the supplemental cooling water system was a safety insuring system in the event of a tornado missile effect on the cooling towers."^{3/}

To the contrary, in amending its answer to NRC RAI 410.70, Applicant expressly stated:

While an additional source of water is available from the pump station providing the Perkiomen makeup supply located at a distance of approximately 8 miles from the plant site, no reliance is being placed on this intake for the purpose of safety analysis or the safety licensing basis for the facility.^{4/}

^{2/} See Letter dated October 19, 1984 from V.S. Boyer, Senior Vice President, Nuclear Power, Philadelphia Electric Company, to Harold Denton, Director, Office of Nuclear Reactor Regulation.

^{3/} Del-Aware Reply to Staff Answer at 1 (November 9, 1984).

^{4/} See Letter dated October 19, 1984 from Vincent S. Boyer, Senior Vice President, Nuclear Power, Philadelphia Electric Company to Albert Schwencer, Division of Licensing, NRC.

The recent revision therefore makes it clear that, even if the Limerick spray pond (i.e., the ultimate heat sink) were temporarily lost, adequate makeup water can be provided solely from the Schuylkill River.^{5/}

In rejecting Del-Aware's motion to stay (treated as a motion to suspend) the low-power license for Limerick, the Appeal Board similarly cited the October 19, 1984 document as a basis for concluding, as the Licensing Board had earlier concluded, that water from the Point Pleasant diversion "is not needed at all for safe shutdown of the plant."^{6/}

For the reasons discussed above, Del-Aware's reply should be stricken as unauthorized. In any event, it is utterly unrelated to any issue for which Del-Aware has

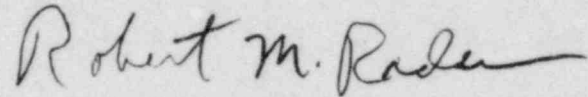
^{5/} A draft of this revision had previously been provided to the NRC Staff by letter dated September 4, 1984. It is this draft revision to which Del-Aware refers. Contrary to Del-Aware's assertion, the draft revision simply states that both Schuylkill and Perkiomen makeup water would be available. It did not state that Perkiomen water was necessary for safety purposes.

^{6/} Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-789, 20 NRC November 5, 1984 (slip op. at 8). Moreover, Del-Aware cites no basis in the record for its assertion that the main stem of the Perkiomen Creek "would be available only 4% of the time." Del-Aware's Reply to Staff Answer at 2 (November 9, 1984). Accordingly, there is no basis for Del-Aware's assertion that Applicant "is precluded from using the Schuylkill" or Perkiomen for an emergency shutdown.

sought Commission review of ALAB-785 and is substantively without merit.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

A handwritten signature in cursive script that reads "Robert M. Rader". The signature is written in dark ink and is positioned below the typed name of the signatory.

Troy B. Conner, Jr.
Robert M. Rader

Counsel for the Applicant

November 23, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)
Philadelphia Electric Company) Docket Nos. 50-352
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Unauthorized Reply by Del-Aware Unlimited, Inc. to the NRC Staff's Answer on Review of ALAB-785," dated November 23, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 23rd day of November, 1984:

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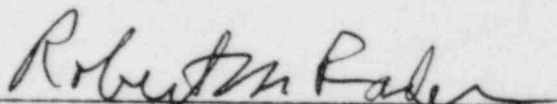
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