

February 21, 1984

Note to G. Gears

SUBJECT: PEACH BOTTOM 2 - NONRADIOLOGICAL WATER QUALITY REQUIREMENTS
(OELD # 842 953)

We've marked up the notice a little. In addition, the cover letter on this package needs to be changed. The fourth paragraph on the first page should be changed to read as follows:

Except for the requirements relating to thermal discharges, we concur in the deletion of the aquatic requirements and will rely on the NPDES permit system which is administered by EPA for the Regulation and protection of the aquatic environment. Action with respect to changes in technical specifications relating to thermal discharges is held in abeyance pending the NPDES 316 proceeding and litigation.

With these changes the package is okay.

for *Amto*
Joe Scinto

cc: J. Gray

note

Joe:

I finally contacted Mark Westerhahn on the matter of PECO's request to delete from the Peach Bottom Tech. Specs. the requirements on thermal discharge imposed pursuant to a stipulation among the States of Maryland and Pennsylvania, NRC & PECO, and approved by the Appeal Board in ALAB-532, 9 NRC 277 (1979). Westerhahn didn't know anything about the request but, on checking, he found that the application was made pursuant to an NRC Staff request (the Staff is generically trying to get thermal discharge limits out of licenses). Westerhahn said nothing at all has changed regarding the stipulation since 1979. The NPDES permit is before the State of Pennsylvania in litigation but the status quo is the same as it was in 1979. Westerhahn agrees that ~~that~~ the thermal discharge Tech. Specs imposed pursuant to the stipulation and Appeal Board decision should remain in the license just as they are. He suggests that the Staff simply indicate in its transmittal letter for the other Tech. Spec. amendments that it is holding in abeyance the request to delete the thermal discharge Tech. Specs. (without explanation). That would be OK, I suppose, but I don't see any problem with the Staff not granting that amendment and advising PECO to refile it when the NPDES proceeding is completed, as it now indicated in the last paragraph of the first page of the Staff's draft transmittal letter.

JG:ray 2/17/84