

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
NRC

BEFORE THE COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'84 NOV 13 11:15

In the Matter of :
:
Philadelphia Electric Company : Docket No. 50-352-OL
: 50-353-OL
(Limerick Generating Station, :
Units I and II) :

REPLY TO STAFF ANSWER

In its Answer to the applicant's petition for Commission review of ALAB 785, the staff asserts that the supplemental cooling water system is not safety related. (Staff Answer, p. 3n.4)

In addition to taking this position, the staff in its opposition to intervenor's Petition for Review, stated that, similarly, that the supplemental cooling water system is not safety related.

The staff nowhere mentions its own finding of inadequacy of the cooling towers to withstand tornado missile destruction, and the applicant's reliance on the Perkiomen intake (a part of the supplemental cooling water system) to provide safety in operation as a consequence. On September 4, 1984, J. Kemper wrote to A. Schwencer enclosing changes in the SER which explicitly stated that the supplemental cooling water system was a safety insuring system in the event of tornado missile effect on the cooling towers.

On October 19, 1984, the applicant expressly requested an exemption from the requirements of Appendix A pursuant to 10 CFR Section 50.12, on the basis that water from a number of

sources would be available in the event of cooling tower destruction by tornado missile impact. A copy of the letter is enclosed.

Although the later document appears to be deliberately obscure as to the source of other water, when read in context with the September 4 revision to the SER, it is clear that reliance is being placed on the supplemental cooling water system. Nor can this be limited to the Perkiomen Creek, since hydrologic data and restricting restrictions on the use of Perkiomen Creek water show that the Perkiomen Creek would be available only 4% of the time, and almost never when the Schuylkill River is not available; hence, the reliance must be on the Point Pleasant diversion water, which is proposed to be diverted to Limerick via the Perkiomen Creek. Nor can applicant's additional information also dated October 19, 1984 answer the issue, since it nowhere explains the source of consumptive water when it is precluded from using the Schuylkill.

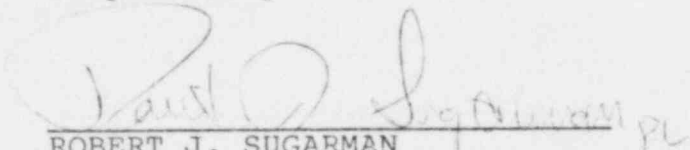
Thus, even assuming the correctness of the staff's legal position that the Commission has no regulatory authority over environmentally related matters, such doctrine is factually inapplicable to the present situation.

Despite intervenor's repeated filings directing attention to the applicant's reliance upon the supplemental cooling water system for safety operation, neither the staff, the applicant, nor the Licensing Board have ever referred to these filings. The inference is that there is no answer, and so the matter is simply not "noticed".

The Appeal Board finally notice the situation on November 5, 1984, in denying a Motion for Stay, mentioned a letter of October 19, 1984, but not indicating which October 19 letter, and not providing any explanation as to what it proved or how.

For the reasons stated, intervenor requests that the Commission grant its Petition for Review, and in any event, not act on the basis of the staff's Answer.

Respectfully submitted,


ROBERT J. SUGARMAN PL
Counsel for Intervenor

Of Counsel

Sugarman, Denworth & Hellegers
16th Floor, Center Plaza
101 North Broad Street
Philadelphia, PA 19107
215-751-9733

Dated November 9, 1984

RECEIVED

PHILADELPHIA ELECTRIC COMPANY

2301 MARKET STREET

P.O. BOX 8699

PHILADELPHIA, PA. 19101

(215) 841-4500

OCT 25 1984

S. D. & II.

Logies

V. S. BOYER
SR. VICE PRESIDENT
NUCLEAR POWER

Dockets: 50-352
50-353

October 19, 1984

Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Limerick Generating Station Units 1 & 2
Request for Exemption from 10 CFR 50 Appendix A,
GDC 2 & 4

Dear Mr. Denton:

Pursuant to 10 CFR 50.12, Philadelphia Electric Company hereby requests an exemption from the requirement of 10 CFR 50, Appendix A, General Design Criteria (GDC) 2 and 4 as they relate to the protection of the ultimate heat sink (UHS) from the effects of tornado missiles. This exemption is requested for power levels not exceeding 5 percent of full power.

Loss of the UHS (spray pond) due to tornado missiles for power levels not exceeding 5% power will not endanger life or property for the following reasons:

1. Even if the heat removal capability of the cooling towers and spray networks were compromised by tornado missile effects, use of the cooling tower basins and/ or UHS in a "cooling pond type" mode would allow substantial time for spray network repair. Under design meteorology, it would take approximately 5 days for the pond to reach its 95°F limit.

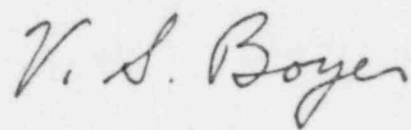
2. In the remote possibility that the heat removal capability of the spray pond networks and the cooling towers is compromised, and that repairs cannot be completed before the design temperature of the spray pond is reached, a once-through mode of cooling can be implemented. In this mode of operation, cool water from the cooling tower basins is supplied to the spray pond pumphouse wet pits, ESW and RHRSW will pump this water through the plant, the water is returned to the spray pond and is allowed to discharge over the blowdown weir and storm spillway. Sufficient makeup water can be supplied to the cooling tower basins to sustain continuous operation in this mode from the Schuylkill River or a number of other sources.
3. During the period of operation before exceeding 5% power, it is extremely unlikely that tornado missile damage to the networks would occur. But in the event that this should occur, there is sufficient time to effect the repairs on any one of the four networks such that sufficient heat removal capability can be restored without the existence of specific procedures. Specific procedures for such repairs will be completed prior to exceeding 5% power.
4. As indicated in the above discussions, substantial time is available for corrective operator actions. If UHS capability should be lost for such a long period of time that conditions degraded considerably, the existing plant emergency procedures would direct the use of equipment which would achieve a safe stable state regardless of UHS capability.

The requested exemption does not impact the common defense and security. Only the potential impact on public health and safety is at issue.

The requested exemption is in the public interest in that any delay in commencement of low power testing and power ascension would cause a delay in the attainment of commercial operation (and subsequent increase in ratepayers' cost) and since, as shown above, the health and safety of the public will be adequately protected.

Based upon the foregoing, we have concluded that granting the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, Philadelphia Electric Company requests that the Commission issue an exemption to GDC 2 and 4 for power levels not exceeding 5 percent of full power. An affidavit in support of this request is attached hereto.

Sincerely,

A handwritten signature in cursive script that reads "V. S. Boyer". The letters are fluid and connected, with a prominent loop at the end of the word "Boyer".

V. S. Boyer

See attached Service List

cc: Judge Helen F. Hoyt
Judge Jerry Harbour
Judge Richard F. Cole
Judge Christine N. Kohl
Judge Gary J. Edies
Judge Reginald L. Gotchy
Troy B. Conner, Jr., Esq.
Ann P. Hodgdon, Esq.
Mr. Frank R. Romano
Mr. Robert L. Anthony
Ms. Phyllis Zitzer
Charles W. Elliot, Esq.
Zori G. Ferkin, Esq.
Mr. Thomas Gerusky
Director, Penna. Emergency Management Agency
Angus R. Love, Esq.
David Wersan, Esq.
Robert J. Sugarman, Esq.
Martha W. Bush, Esq.
Spence W. Perry, Esq.
Jay M. Gutierrez, Esq.
Atomic Safety & Licensing Appeal Board
Atomic Safety & Licensing Board Panel
Docket & Service Section
Mr. James Wiggins
Mr. Timothy R. S. Campbell

STATE OF MARYLAND)
MONTGOMERY COUNTY)

V. S. Boyer, being first duly sworn, deposes and says:
That he is Senior Vice President of Philadelphia Electric
Company, the applicant herein; that he has reviewed the
foregoing request pursuant to 10 CFR 50.12 for certain
specific exemptions to the requirements of Appendix A and
knows the contents thereof; and that the matters and
statements set forth therein are true and correct to the
best of his knowledge, information and belief.

V. S. Boyer

Senior Vice President

Subscribed and sworn to before me on the 19th
day of October 1984.

D. Lynn Neal

Notary Public

D. LYNN NEAL -
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of :
Philadelphia Electric Company : Docket No. 50-352-OL
 : 50-3534OL
(Limerick Generating Station, :
Units I and II) :

DOCKETED
USNRC

NOV 13 11:15

OFFICE OF TELETYPE
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that I have served a copies of the foregoing Reply To Staff Answer, Reply Re: Stay, Motion For Leave To File Reply by mailing a copies of the same to the following persons this 9th day of November, 1984.

Christine N. Kohl, Esq., Chairman
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gary J. Edles
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Reginald L. Gotchy
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ann Hodgdon, Esquire
Benjamin H. Vogler, Esquire
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Troy B. Conner, Jr. Esquire
Conner and Wetterhahn
1747 Pennsylvania Avenue
Washington, D.C. 20006

Edward G. Bauer, Esquire
Vice President & General Counsel
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

Secretary
U.S. Nuclear Regulatory Commission
Attn.: Chief, Docketing & Service Branch
Washington, DC 20555

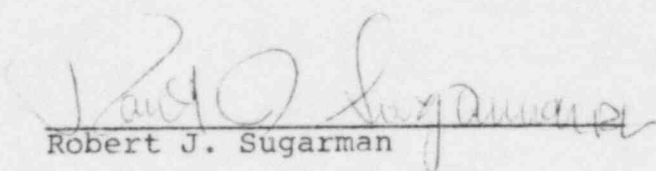
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Charles W. Elliott, Esquire
Brose and Poswistilo
1101 Building
11th & Northampton Streets
Easton, PA 18042

Martha W. Bush, Esquire
Kathryn S. Lewis, Esquire
1500 Municipal Service Building
15th and J. F. Kennedy Blvd.
Philadelphia, PA 19107

John E. Flaherty, Jr., Esquire
Fred T. Magaziner, Esquire
Lois Reznick, Esquire
3400 Center Square West
1500 Market Street
Philadelphia, PA 19102

Jay M. Gutierrez, Esquire
U.S. Nuclear Regulatory Commission
Region I
631 Park Avenue
King of Prussia, PA 19406


Robert J. Sugarman

Dated: November 9, 1984