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November 8, 1984

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

Re: Application of Philadelphia Electric Company
for Exemption from Appendix A Requirements
Under 10 CFR 50.12

Dear Mr. Denton:

We have received a copy of PECO's letter to you dated October 19, 1984, seeking an exemption from the requirements of 10 CFR 50 Appendix A relating to tornado impacts on the cooling towers. PECO's letter, in essence, states that inadequate protection of the cooling towers from tornado effect is excusable because alternative water systems exist to supply cooling water for maintenance and normal operations. In its letter, PECO references "a number of other sources".

PECO's latest letter is an inadequate and impermissible basis for the allowance of the exemption. PECO is totally non-communicative as to the source of numerous other water sources. In previous filings with the Commission, PECO has consistently stated that its alternative water source is the Delaware River, via the Point Pleasant diversion. PECO has never provided any basis to the Commission for believing that it has an alternative supplemental water source. In fact, in numerous filings before the Commission and in testimony, e.g., testimony of Boyer at the supplemental cooling water hearings, October, 1982, Tr.p. following p. 949, PECO has consistently taken the position that it is dependent on the Point Pleasant diversion for supplemental cooling water.

Consistently with this, in his letter J. Kemper to A. Schwencer, September 4, 1984, PECO represented that it would secure alternative water from the Perkiomen intake, which in turn, is dependent on the Point Pleasant diversion 96% of the time. In that letter, PECO also tendered its draft SER revision,

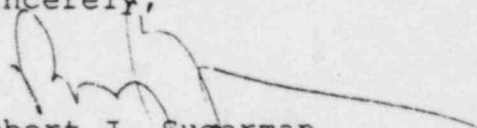
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in which it represented that such sources were the basis, in part, for an exemption from the provisions of 10 CPF 50 Appendix-DR.

Of course, it is well known to this Commission, as stated by the Appeal Board in ALAB 785, that PECO faces considerable obstacles in implementing the proposed Point Pleasant diversion. These include requirements for water pollution discharge permits imposed on PECO by the provisions of the Environmental Hearing Board decision in Pennsylvania, the requirements for reduced velocity imposed by that Board, and the requirements limiting pumping imposed by the Administrative Law Judge of the Pennsylvania PUC, as well as the determination by Bucks County and the Neshaminy Water Resources Authority not to build the project, and finally, of course, the decision of the Appeal Board itself.

Accordingly, it is submitted that there is no basis for granting the requested exemption.

Sincerely,



Robert J. Sugarman

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cc: Service List

1 have been readily apparent -- in fact, it was not, to
2 the Board -- that there was additional material outside
3 of the subsections referenced in the testimony.

4 (The documents previously
5 marked Exhibits 1, 1A,
6 and 1B for identification
7 were received in
8 evidence.)

9 JUDGE BRENNER: I take it you about to move
10 the supplementary testimony into evidence also, Mr.
11 Conner; correct?

12 MR. CONNER: I would like to say that we are
13 offering this material only as it applies to the three
14 contentions for this proceeding. And we do, in fact,
15 offer in evidence Applicant's testimony on the water
16 issues, and Exhibits 1, 1A, and 1B, as described.

17 JUDGE BRENNER: All right. They are admitted,
18 subject to the opportunity I have permitted Mr. Sugarman
19 with respect to part of Exhibit 1, and that is the
20 questions and answers in the appendix which were
21 separately identified. We will bind in the supplemental
22 testimony.

23 (The information referred to, the supplemental
24 testimony, follows:)

25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

APPLICANT'S TESTIMONY ON "WATER ISSUES"

Panel - Vincent S. Boyer, W. Haines Dickinson -
Philadelphia Electric Company
E. H. Bourquard - E. H. Bourquard Associates, Inc.
Paul L. Harmon - RMC, Inc.
Dr. John Edinger - J.E. Edinger Associates, Inc.

1. On March 17, 1981, Philadelphia Electric Company ("PECO") submitted its application for operating licenses for the Limerick Generating Station, Units 1 and 2 ("Limerick"). The application consists of its formal portion, the Final Safety Analysis Report ("FSAR") and the Environmental Report Operating License Stage ("EROL") and amendments thereto. (Boyer)*

2. Inasmuch as this is the first evidentiary hearing in the captioned proceeding, the Applicant offers the application as Applicant's Exhibit 1 (A. Ex. 1). The sections of Exhibit 1 pertinent to the contentions discussed below are EROL §§ 2.4.2.3, 2.4.3.4, 2.4.6, 2.4.7.1.4, App.

* Principal witness(es).

Timing and Phasing of Construction at Point Pleasant

55. The Licensing Board has requested Applicant to furnish it with information regarding the considerations applicable to the timing of the construction of the Point Pleasant diversion and to identify documentation of these considerations. (Boyer)

56. It is estimated that completion of the entire Point Pleasant project as it relates to Limerick will take approximately two years. (Boyer)

57. Fuel loading for Limerick Unit 1 is currently scheduled to commence between July and October 1984. The completion of preoperational testing will require the availability of supplemental cooling water from Point Pleasant at least three months prior to the fuel loading date. Accordingly, it is necessary to commence construction December 15, 1982 as scheduled in order to meet existing deadlines. (Boyer)

58. The final Section 3.8 approval granted by the DRBC provided as a condition of the approval the following:

N. Construction excavation and maintenance dredging in the Delaware River must be performed between November and March to reduce the potential for impact on migrating juvenile and adult shad. [DRBC Docket No. D-65-76 CP (8) (February 18, 1981)]

DRBC has therefore required that NWRA undertake excavation work in the river between November and March. It is necessary to begin the portion of construction in the

Delaware River during the winter months of 1982-83 so that river work can be completed during the winter of 1983-84.

(Boyer)

59. There is no reasonable assurance that all of the construction work in the river can be completed within a single winter because work cannot be performed during high flow periods, owing to increased river flow velocity. Accordingly, it is necessary that river construction work begin this winter as scheduled. (Boyer)

60. The letter of September 9, 1981 from E. H. Bourquard to the Corps of Engineers discusses phasing of construction work. Although there is some flexibility in the time for performing the particular work designated for each of these phases, any delay in starting construction will cause a commensurate delay in its completion. Regardless of any planned phases of construction work, NWRA must abide by the restrictions imposed by DRBC which limit river excavation to the winter months of November through March. (Boyer)