



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 26 1986

Docket Nos. 50-352/353

Mr. Robert L. Anthony
Box 186
Moylan, Pennsylvania 19065

Dear Mr. Anthony:

I have received your January 17, 1986, letter to me asking that I find the Philadelphia Electric Company (PECo) in violation of certain conditions of its license NPF-39 authorizing operation of the Limerick Nuclear Generating Station, Unit 1. You also request that I stay operation of the facility and suspend the license for the Limerick facility until PECO is in compliance.

The non-compliances you allege are associated with the provisions of the Environmental Protection Plan (EPP) which was a requirement of the Limerick license to assure that activities undertaken by the PECO affecting the environment would receive appropriate review. Non-compliances are alleged to exist because PECO has requested from the Delaware River Basin Commission (DRBC) revisions to use restrictions on water withdrawn from the Schuylkill River for use at the Limerick facility.

I have addressed this very issue in two prior Director's Decisions pursuant to 10 CFR 2.206. ^{1/} DD-85-18 was responsive to this very issue raised by you in your petition of October 1, 1985. I noted in DD-85-18 that you had failed to allege any present violations by PECO of any NRC requirements including license conditions. I noted that the requirements of EPP are triggered at the time PECO would take any proposed actions and so there could be no non-compliance until the actions were taken. PECO has not taken any of the actions it has proposed to the DRBC. Consequently, there is no need for the NRC to act. I do not intend to issue a formal Director's Decision in this matter as your letter raises no issues which have not been addressed by the referenced previous Director's Decisions.

A handwritten signature in dark ink, appearing to read "H.R. Denton".

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

^{1/} Philadelphia Electric Company (Limerick Nuclear Generating Station, Units 1 and 2), DD-85-8, 21 NRC 1561 (1985); Philadelphia Electric Company (Limerick Nuclear Generating Station, Units 1 and 2), DD-85-18, ___ NRC ___ (November 12, 1985).

FEB 26 1986

Docket Nos. 50-352/353

Mr. Robert L. Anthony
Box 186
Moylan, Pennsylvania 19065

Dear Mr. Anthony:

I have received your January 17, 1986, letter to me asking that I find the Philadelphia Electric Company (PECo) in violation of certain conditions of its license NPF-39 authorizing operation of the Limerick Nuclear Generating Station, Unit 1. You also request that I stay operation of the facility and suspend the license for the Limerick facility until PECo is in compliance.

The non-compliances you allege are associated with the provisions of the Environmental Protection Plan (EPP) which was a requirement of the Limerick license to assure that activities undertaken by the PECo affecting the environment would receive appropriate review. Non-compliances are alleged to exist because PECo has requested from the Delaware River Basin Commission (DRBC) revisions to use restrictions on water withdrawn from the Schuylkill River for use at the Limerick facility.

I have addressed this very issue in two prior Director's Decisions pursuant to 10 CFR 2.206. ^{1/} DD-85-18 was responsive to this very issue raised by you in your petition of October 1, 1985. I noted in DD-85-18 that you had failed to allege any present violations by PECo of any NRC requirements including license conditions. I noted that the requirements of EPP are triggered at the time PECo would take any proposed actions and so there could be no non-compliance until the actions were taken. PECo has not taken any of the actions it has proposed to the DRBC. Consequently, there is no need for the NRC to act. I do not intend to issue a formal Director's Decision in this matter as your letter raises no issues which have not been addressed by the referenced previous Director's Decisions.

Original Signed [Signature]
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

^{1/} Philadelphia Electric Company (Limerick Nuclear Generating Station, Units 1 and 2), DD-85-8, 21 NRC 1561 (1985); Philadelphia Electric Company (Limerick Nuclear Generating Station, Units 1 and 2), DD-85-18, NRC (November 12, 1985).

DISTRIBUTION
See next page

PD#4/PM
REMartin:1b
02/18/86

PD#4/D
WButler
02/18/86

EB/C
BLaw
02/19/86

AD/SWR
GLainas
02/19/86

OELD
RHoefting
02/21/86

DIR/DH
RHouston
02/24/86

DIR:O
RBernero
02/24/86

DD/NRR
DEisenhut
02/ /86

D/NRR
HDenton
02/24/86

DISTRIBUTION

Docket File

NRC PDR
Local PDR
PD#4 Reading
EDO Reading
HDenton/DEisenhut
RBernero
GLainas
JKnight
DCrutchfield
WButler
EHylton
RMartin
Hoefling, OELD
OPA
HSmith
LHarmon
RLaGrange
RWescott
NAnderson
Chickey
MBridgers (EDO 1350)
DMossburg (EDO 1350)