SUGARMAN & DENWORTH
ATTORNEYS AT LAW
SUITE 510, NORTH AMERICAN BUILDING
121 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19107
(215) 546-0162

SUITE 803
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

ROBERT J. SUGARMAN
JOANNE R. DENWORTH
ROBERT RAYMOND ELLIOTT, P.C.*

* NOT ADMITTED IN PA.

July 16, 1982

Mr. A. Schwencer
Chief, Licensing Branch #2
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Re: Del-Aware-NRC, Docket Nos: 50-352/353; Request for Additional Information - Point Pleasant Diversion Plan (July 9, 1982)

Dear Mr. Schwencer:

I have received a copy of your letter of July 9, 1982 addressed to Mr. Edward Bauer, relating to the Point Pleasant Diversion Plan.

I wish to comment to you concerning the intentions of the staff with respect to the dimensions of its inquiry concerning the Point Pleasant Diversion Plan. Your request indicates that the staff will "consider any environmental impacts associated with changes to the Point Pleasant Diversion Plan". It does not indicate clearly whether this includes the addition of the Point Pleasant Diversion Plan to the scope of the staff's inquiry as a change in the plan, but the implication is that only physical changes in the plan since issuance of the construction permits will be included in the staff's evaluation. Such a limitation on the scope of inquiry by the staff is unjustifiable, in Del-Aware's view, under the Board's decision of June 1, 1982, and the facts and law.

I, therefore, wish to urge upon you the recognition of the fact that the Point Pleasant Diversion Plan was not considered at all (except with respect to increased water diversion) in 1974 because it was assumed that Point Pleasant would be built with or without Limerick. Since that is no longer the case, it is necessary for the staff to review

Point Pleasant ab initio, and to evaluate the environmental impacts of the plant as a whole, as well the alternatives thereto.

In view of the Board's accelerated consideration of contentions related to operational impacts associated with changed circumstances regarding Point Pleasant and the §2.206 Request filed by Del-Aware, both referenced in the second paragraph of your letter, it is respectfully submitted that your inquiry should be broadened to include these considerations, and that broadening should take place immediately.

Sincerely,

Robert J. Sugarman

RJS/nk
cc: Service List