

SUGARMAN & DENWORTH

ATTORNEYS AT LAW

ROBERT J. SUGARMAN  
JOANNE R. DENWORTH

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  
(202) 737-4460

ROBERT RAYMOND ELLIOTT, P. C.\*  
COUNSEL

\* NOT ADMITTED IN PA.

September 3, 1982

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

RE: Philadelphia Electric Co.  
50-352  
50-353

Dear Mr. Denton:

This will supplement my letters to you dated July 6, 1982, and August 13, 1982, regarding the necessity for reopening and reconsidering the construction permits for the above projects in light of the changes thereto, and the present conditions.

Recently, in reviewing documents produced by Philadelphia Electric Company, we discovered a letter written by NRC staff dated January 5, 1981, copy enclosed, in which NRC staff committed to engage in a thorough review of the Point Pleasant diversion at the OL stage, due to the unavailability of detailed information at the CP stage. In our view, this letter makes it clear that there must be a thorough review of all aspects of the Point Pleasant diversion, and not only limited to so-called operating impacts, or those arising from "changes".

Despite the staff's intention, as expressed in the January 5, 1981 letter, it appears that such will not be the case, based on the Licensing Board SPCO of June 1, 1982 reaffirmed in its July 14, 1982 Order. The Board held that consideration will be limited to operating effects and to changes since the original CP proceeding. At the same time, in responding to our July 6, 1982 letter the staff in its July 9, 1982 letter to PECO, limited its information request to project changes since the 1973-75 period.

XE03

The foregoing suggests that consideration of effects will be limited to those resulting from project changes since the earlier plan.

Indeed, in its response dated August 20, 1982, PECO not only construed the staff request in this limited fashion, but further limited itself to a comparison of the environmental impacts of the changes, and further indicated that the DRBC proceedings could be cited in lieu of discussing the actual impacts in many cases.

In this posture, there appears to be no assurance of the thorough environmental consideration committed by the staff in its letter of January 5, 1981, and also committed to the DRBC and EPA, as reflected in the DRBC proceedings of February 18, 1981. (Copy enclosed)

While there was an Environment Impact Statement in 1973, the staff relied on the DRBC EIS for matters regarding the Point Pleasant diversion, and the DRBC EIS said that the details were not sufficiently developed to evaluate the impacts of the intake at Point Pleasant. (DRBC EIS, at p34, copy enclosed)

Thus, unless present plans are changed, there will have been no thorough review of the Point Pleasant diversion at any time. Dramatic changes continue to occur. Most importantly, I wish to bring to your attention the action of the Pennsylvania Public Utility Commission on August 27, 1982 ordering Philadelphia Electric Company to cancel or suspend construction on Unit 2. I request that the staff take note of this action by the Pennsylvania PUC that Unit 2 is not needed and will not be built at any time certain as determinative of the need and necessity for the construction. In the context of our pending Request to Suspend, etc. it requires new consideration of alternative sources of cooling water supply in light of the necessity for only half of the previously required supplemental water supply.

Also, I request that you take cognizance of the recent action of the Delaware River Basin Commission in accepting its Level B Study, and publishing its staff findings in the draft Background Report on Interstate Water Management in July, 1982, indicating that reevaluation of the adequacy of water in the Delaware River to support depletive uses without unacceptable consequences has led to a determination that such resources are inadequate.

In addition, the Level B Study also establishes that depletive withdrawals in the non-tidal section of the river adversely affect dissolved oxygen levels at the upper end of the estuary, which is crucial to the passage of fish through that section of the river.

Thus, these changes together should lead to a determination by the NRC that the CP proceedings must be reopened, and reexamined in light of the present factual circumstances, leading to a determination that the depletive use of the water for Limerick Units 1 and 2 is no longer supportable, based on the findings of the PUC and DRBC.

Also, I would like to call your attention to the recent identification of various toxic substances in the Delaware River water, which is proposed to be transported into the Neshaminy and Perkiomen Creeks as a result of the project, this being information which was not available or considered at the CP stage. While seemingly this is a change in circumstance which should warrant consideration in the OL proceeding, the Board has indicated that absent a showing that the transfer of toxics is attributable to a change in the project design, this matter is foreclosed as having been decided at the CP stage. (Order of June 1, 1982, Order of July 14, 1982, at 10-11.) Yet this clearly seems a change in circumstance which requires consideration.

Finally, I would like to note for your attention the Board's Order of July 14, 1982, holding that impacts of the project on the Point Pleasant eligible historic district and the Delaware Canal, arising through blasting and defacement of the area, are construction rather than operating impacts. Since the review of the intake and the Point Pleasant aspects of the diversion were limited to the matters available to and reported by the DRBC, and the DRBC had no details on these subjects, design not having been far enough advanced at that time, these matters should further be considered as a change in the CP record requiring reconsideration of the conditions on the permits.

For more than a year now, by correspondence and at the Prehearing Conference, Del-AWARE has been calling on the NRC to conduct a thorough environmental review of the Point Pleasant project. For more than a year, we have been told that such a review would be forthcoming. (Correspondence enclosed) Only in June, 1982 were we informed that construction impacts should be separately addressed. Now that we have filed a formal Request under § 2.206, as suggested by the Licensing Board, and have seen the

proceedings as they are developing, it is clear that unless there is a substantial change in the thrust and scope of the review, there will be no thorough evaluation of the Point Pleasant diversion. At the same time, the applicant has suggested that construction will begin on December 15, 1982, thus as a practical matter prejudicing, if not foreclosing, opportunity for remedial action after that time.

In view of the necessity to address these matters in a timely fashion, I urge you to immediately initiate proceedings as requested in our letter of August 13, 1982. Specifically, I ask you to initiate a proceeding in the Commission. In the event of your failure to do so promptly, we will have to consider other options that may be open to us.

Thank you for your consideration.

Sincerely,



Robert J. Sugarman

RJS/amh

Enclosures

JAN 7 1981

U. S. NUCLEAR  
REGULATORY COMMISSION  
JAN 3 1981  
File #  
Referred to:

et Nos. 50-352  
and 50-353

JAN 05 1981

Mr. Vincent Boyer  
Senior Vice President  
Nuclear Operations  
Philadelphia Electric Company  
2301 Market Street  
Philadelphia, Pennsylvania 19101

Dear Mr. Boyer:

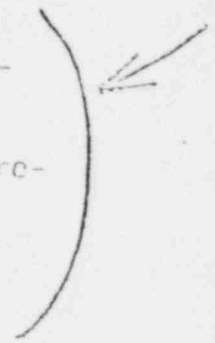
SUBJECT: LIMERICK RISK ASSESSMENT STUDY

This is to thank you for your December 9, 1980 presentation at Pottstown, Pennsylvania on your Limerick Risk Assessment Study. We are looking forward to receipt of the final report so that we may be able to review the results in more detail especially with regard to the proposed changes being considered for the Limerick Station to improve the safety margins.

Because of the importance that the NRC places on your Risk Assessment Study for Limerick we again request that you submit your final report as soon as possible. In this regard, we believe that it would be inappropriate to commence review of your FSAR prior to receipt of your final Risk Assessment Study Report. At the latest, the final report of the Risk Assessment Study should be provided as a part of your FSAR when it is tendered.

During the course of the public meeting held on December 9, several specific issues were raised that will receive particular attention by the staff. Accordingly, you should include a discussion of each of these matters whenever you tender your FSAR.

- (A) The first area concerns emergency preparedness as it effects special institutions. Recognizing that emergency preparedness is an ongoing activity, you should provide such information in your application paying particular attention to those local considerations that were discussed at the public meeting.
- (B) Cooling water supply and the diversion of Delaware River water was discussed by several participants at the meeting. We recognize that the final design of the diversion project was not completed when the Final Environmental Statement was issued for your Construction Permits. Therefore, the staff will thoroughly review the environmental impacts associated with diversion of Delaware River water. This area should also be thoroughly discussed in your tendered application.



AWO  
~~81-01160537~~

Exhibit A

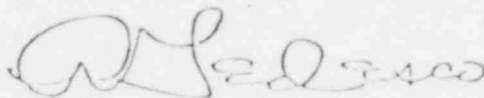
JAN 05 1981

The construction of one of the facilities structures was stated to be located on the right-of-way of a public road that runs through the site. A specific discussion, including exclusion area controls, should be included in your application.

During the course of construction at the site, the staff expressed some concern about the final design and construction of the spray pond. It is our understanding that this will be the ultimate heat sink and therefore must be designed and constructed in compliance with appropriate regulations and guides. You should address the subject thoroughly in your tendered application so that the staff can provide an adequate and timely review of this item in view of our understanding that construction of the spray pond will start next spring.

If you have any questions, please contact the Project Manager, D. Sells at (01) 492-7792.

Sincerely,



Robert L. Tedesco, Assistant Director  
for Licensing  
Division of Licensing



June 4, 1981

Mr. Robert L. Tedesco  
Assistant Director for Licensing  
Department of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Tedesco:

I represent Del-AWARE Unlimited, Inc., a membership organization which is concerned with those aspects of the Philadelphia Electric Company nuclear facility at Limerick, Pennsylvania which involve diversion of water from the Delaware River. My clients have been particularly concerned with the consumptive use of scarce water resources, mechanisms for provision of storage, and the physical and biological impacts on the affected streams, including the Delaware, the Neshaminy, and the Perkiomen, which will be attributable to the proposed system.

We understand from various sources that the NRC will shortly be studying this proposed diversion in connection with a supplement to the EIS for an operating permit for the Limerick plant. My clients have a number of concerns and facts which have not been addressed or considered in the prior Environmental Impact Statement, which, in our view, require a further Environmental Impact Statement, including an interdisciplinary study and opportunity for full public comment, prior to the filing of any supplemental EIS or any supplement to the EIS. The information that we have is unclear as to what is envisioned by NRC, as well as to when opportunities will be provided for public input, concerning the scope of the studies and the procedures to be followed, as well as the disciplines to be involved. I would appreciate being informed as to your plans and the current status, and request that my client be included in project planning and implementation, as appropriate.

Sincerely,

*Belmont*  
*Conroy*

June 19, 1981

Mr. Robert Tedesco  
Assistant Director for Licensing  
Department of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Tedesco:

Enclosed is a copy of my letter of June 4, 1981, regarding an Environmental Impact Statement Supplement for the Philadelphia Electric Company proposed nuclear facility at Limerick, Pennsylvania, requesting to be notified as to the present status and your plans for this matter. I would appreciate receiving a reply to this letter.

Sincerely,

Robert J. Sugarman

*pdv 8106260266*





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

JUN 22 1981

Docket Nos. 50-352  
and 50-353

Mr. Robert J. Sugarman  
Berle, Butzel, Kass & Case  
45 Rockefeller Plaza  
New York, New York 10111

Dear Mr. Sugarman:

Reference is made to your letter of June 4, 1981, relative to the diversion of water from the Delaware River for the Limerick Generating Station (LGS).

We are currently conducting an acceptance review of the application for operating licenses for LGS tendered on March 17, 1981. If it is determined that the application contains sufficient information to initiate a licensing review, it will be docketed. After docketing, members of our staff will conduct a visit to the LGS site to review the expected environmental impacts of the proposed plant. During that visit, we will invite participation by interested members of the public which, in effect, constitutes the scoping process envisioned by CEQ. We will place you on the distribution list for our correspondence and thus you will be notified of this meeting.

Allocation of water in the Delaware River Basin is under the authority of the Federal Delaware River Basin Commission (DRBC). Philadelphia Electric Company (PECO) applied to that Commission for the required approval to obtain water necessary for the Limerick plant. This allocation was included in the DRBC's Comprehensive Plan for which the DRBC issued an Environmental Impact Statement in 1973. More recently the DRBC issued an environmental assessment on the final review of their proposal by PECO for a reservoir pumping station and water transmission line project. On February 15, 1980 a negative declaration was issued by DRBC based on the environmental assessment of the PECO water project. You may wish to obtain the documents mentioned above from DRBC for further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Tedesco".

Robert L. Tedesco, Assistant Director  
for Licensing  
Division of Licensing

*fdr-8109080185*

ROBERT J. SUGARMAN  
ATTORNEY-AT-LAW  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX

CHANGE OF ADDRESS  
SUGARMAN AND DENWORTH  
SUITE 510  
NORTH AMERICAN BUILDING  
121 SOUTH BROAD STREET  
PHILADELPHIA, PA. 19107  
(215) 546-0162

2115 BAINBRIDGE STREET  
PHILADELPHIA, PENNSYLVANIA 19146  
(215) 732-5488

January 15, 1982

1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004  
(202) 737-4460

Stephen H. Lewis, Esq.  
U.S. Nuclear Regulatory Commission  
Office of the Executive Legal Director  
Washington, D.C. 20555

RE: Limerick Generating Station  
Docket 50-352, 50-353

Dear Mr. Lewis:

On June 22, 1981, Mr. Robert Tedesco informed me that I would be included in the distribution list for correspondence, and would be invited to a scoping meeting following docketing of the above application (copy enclosed). I have heard nothing further on this aspect of this matter.

I would appreciate your advising me of the present status of this matter.

In view of the ongoing progress of the proceeding, I am copying the service list.

Sincerely,

  
Robert J. Sugarman

RJS:nw

Enclosure

cc: Service List

*pdr 8201270199*



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

*cc = Wells  
Sizet*

February 4, 1982

*file  
Belmont  
MRC*

Robert J. Sugarman, Esq.  
Sugarman and Denworth  
Suite 510  
North American Building  
121 South Broad Street  
Philadelphia, PA 19107

In the Matter of  
PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station, Units 1 and 2)  
Docket Nos. 50-352 and 50-353

Dear Mr. Sugarman:

This is in response to your letter to me of January 15, 1982 requesting information on the scheduling of the public "scoping" meeting referenced in Mr. Tedesco's letter to you of June 22, 1981. As indicated by Mr. Tedesco, the Staff does intend to hold a meeting in the vicinity of the Limerick plant to receive the views of members of the public on the environmental impacts associated with operation of the Limerick Generating Station. These views are being sought as part of the process of preparation of the environmental impact statement ("EIS") which the Staff is required to prepare in connection with the licensing of operation of the Limerick facility. 10 C.F.R. § 51.22, § 51.26. This meeting is intended, in part, to afford members of the public the opportunity to comment upon the scope of the EIS, although the Commission's regulations do not presently require the Staff to undertake the "scoping" process set forth in the Council on Environmental Quality's regulations. 40 C.F.R. § 1501.7.

This meeting is currently projected to be held some evening during the period May 11-14, 1982. Since your name appears on the service list for the Limerick proceeding, you will be notified of the date, time, and location of the meeting by a notice to be transmitted at least several weeks prior to the date of the meeting. That notice will also state the date, time, and location of a technical meeting between the Staff and Applicant to discuss preliminary Staff questions regarding the environmental impacts of facility operation. Members of the public will be welcome to attend that meeting as well, but only in an observer role.

RECEIVED

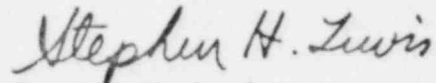
FEB 9 1982

*pdr 8202089149*

COMMUNICATIONS SECTION

If you have any further questions regarding this process, please do not hesitate to contact me.

Sincerely,



Stephen H. Lewis  
Counsel for NRC Staff

cc:

Lawrence Brenner, Esq., Chairman  
Dr. Richard F. Cole  
Dr. Peter A. Morris  
Mr. Frank R. Romano  
Judith A. Dorsey, Esq.  
Mr. Edward G. Bauer, Jr.  
Troy B. Conner, Jr., Esq.  
Mark J. Wetterhahn, Esq.  
Mr. Marvin I. Lewis  
James M. Neill, Esq.  
Joseph H. White III  
Environmental Coalition on Nuclear Power  
Thomas Gerusky  
Pennsylvania Emergency Management Agency  
John Shniper  
Robert L. Anthony  
Alan J. Nogee  
W. Wilson Goode  
William A. Lochstet  
Charles W. Elliott, Esq.  
Walter W. Cohen  
Robert W. Adler  
Steven P. Hershey, Esq.  
Donald S. Bronstein, Esq.  
Atomic Safety and Licensing Board Panel  
Atomic Safety and Licensing Appeal Board Panel  
Docketing and Service Section



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

*DeLanne  
ORR  
Conry*

May 6, 1982

Robert J. Sugarman, Esq.  
Sugarman and Denworth  
Suite 510  
North American Building  
121 South Broad Street  
Philadelphia, PA 19107

In the Matter of  
PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station, Units 1 and 2)  
Docket Nos. 50-352 and 50-353

Dear Mr. Sugarman:

In a February 14, 1982 letter I advised you that a meeting for the receipt of public input to the environmental impact statement to be prepared by the NRC Staff regarding operation of the Limerick Generating Station was then scheduled for some evening during the period May 11-14, 1982, as part of the NRC Staff's environmental site visit. The environmental site visit and public meeting have since been deferred until the late summer or early fall of 1982. Since the Draft Environmental Statement (DES) is not scheduled for issuance until May 1983, a late summer or early fall meeting will afford the Staff ample opportunity to take into account the comments of members of the public offered at the meeting in preparing the DES.

As indicated in my previous response, all persons and organizations on the service list for this proceeding will receive advance notification of the date and location of the public meeting. If I can be of any further assistance regarding this matter, please do not hesitate to contact me.

Sincerely,

*Stephen H. Lewis*

Stephen H. Lewis  
Counsel for NRC Staff

cc: see next page

*pdr 820507A128*

cc:  
Lawrence Brenner, Esq., Chairman  
Dr. Richard F. Cole  
Dr. Peter A. Morris  
Mr. Frank R. Romano  
Judith A. Dorsey, Esq.  
Mr. Edward G. Bauer, Jr.  
Troy B. Conner, Jr., Esq.  
Mark J. Wetterhahn, Esq.  
Mr. Marvin I. Lewis  
James M. Neill, Esq.  
Joseph H. White, III  
Dr. Judith H. Johnsrud  
Thomas Gerusky, Director  
Dir., PA. Emer. Man. Agency  
John Shniper  
Robert L. Anthony  
Alan J. Noguee  
W. Wilson Goode  
William A. Lochstet  
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Walter W. Cohen  
Robert W. Adler  
Steven P. Hershey, Esq.  
Donald S. Bronstein, Esq.  
Atomic Safety and Licensing Board  
Atomic Safety and Licensing Appeal Panel  
Secretary