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DOCKETED
USNRC

September 23, 1982

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CASE NUMBER 50-352/353
FACED BY USNRC

Lawrence Brenner, Esq., Chairman
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Peter A. Morris
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Philadelphia Electric Application

Dear Sirs:

I have copies of the letters to Mr. Lewis from the DRBC and Mr. Adler, Assistant Counsel, Commonwealth of Pennsylvania. I would like to comment briefly, on behalf of Del-AWARE.

Del-AWARE has appealed the permits and the water quality certification to the Pennsylvania Environmental Hearing Board the documents referred to by Mr. Adler, Pennsylvania Environmental Hearing Board. Mr. Adler's letter constituted our first notice that licenses and leases had been issued. Del-AWARE will expect to appeal those to the appropriate body, if Mr. Adler's statement is accurate.

Mr. Adler's letter does not mention the Pennsylvania Fish Commission permit requirement for blasting, which has not been issued.

With respect to the DRBC, Del-AWARE calls the Board's attention to Mr. Hansler's deposition testimony of August 31, 1982, in which Mr. Hansler stated that he had not yet been asked

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for approval of the new intake location, submitted as of January, 1982. He indicated that he did not expect to be requested to act until after the Corps of Engineers acts. Therefore, the staff's statement and the DRBC statement relevant to DRBC approvals is not correct. Del-AWARE's Petition to Reopen, which inter alia, directs DRBC's attention to this Board's interpretation of their February 18, 1981 action, is pending.

The reports in the Trial Briefs do not mention the required NPDES permit and associated 401 certification for the Schuykill River discharge, neither of which have been applied for.

Del-AWARE is unfamiliar with any NRC rule barring the submission of this letter, but if there is any such rule, Del-AWARE respectfully requests that it be waived to permit submission of this letter.

Sincerely,



Robert J. Sugarman

cc: Atomic Safety & Licensing Appeal Board
Secretary, Nuclear Regulatory Commission
Stephen H. Lewis, Esquire
Troy B. Conner, Jr., Esquire