

SUGARMAN, DENWORTH & HELLEGERS

ATTORNEYS AT LAW

ROBERT J. SUGARMAN  
JOANNE R. DENWORTH  
JOHN F. HELLEGERS  
ROBIN T. LOCKE

16TH FLOOR, CENTER PLAZA  
101 NORTH BROAD STREET  
PHILADELPHIA, PENNSYLVANIA 19107  
(215) 751-9733

SUITE 835  
1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D. C. 20004  
(202) 737-4460

May 23, 1984

ROBERT RAYMOND ELLIOTT, P. C.\*  
COUNSEL  
\*NOT ADMITTED IN PA.

Ann Hodgdon, Esquire  
Legal Staff  
U.S. Nuclear Regulatory Commission  
Maryland National Bank Building  
7735 Old Georgetown Road  
Bethesda, MD 20814

Re: Application of Philadelphia Electric  
Company 50-352

Dear Ms. Hodgen:

On May 21, I received a copy of the Commission's release of May 9, 1984 reflecting a briefing given to the Commission on April 24, 1984, by the staff. This briefing is a completely inconsistent with both the facts and your letter to me dated April 25, 1984.

First, the staff briefing completely mischaracterizes the Point Pleasant Diversion situation. It is not being stopped by court order; on the contrary, the applicant is seeking a court order to override the decision of local government, on which the project is dependent, which local government has determined that the project should not proceed. The staff briefing is completely inaccurate, in also, failing to mention that the PECO fails to have licenses from the Pennsylvania PUC for the construction of Bradshaw Reservoir and the associated conveyances of water, and cannot operate without these. This hardly falls into the category of court ordered work stoppage, and the net result is to drastically understate the problem of the project to the Commission.

Second, the staff briefing completely fails to disclose the fact that the staff has failed to consider the potential delay, in order to find all possible options (as suggested at pg. 3 of the transcript would be appropriate).

Third, the mere identification of the Point Pleasant Diversion "as a major issue", in context, clearly indicates that the staff regards it as real concern. This,

May 23, 1984

also, is completely inconsistent with the staff's actions to refuse to reconsider it.

In light of this, I request that the staff revise its previous actions, and request the applicant to submit contingency plans to provide water to Point Pleasant, and to schedule a meeting in which to discuss steps to be taken to expedite the licensing process, assuming another alternative rather than Point Pleasant.

I also request that the staff fully and promptly inform the Commission of the correct state of affairs.

Sincerely,



Robert J. Sugarman

/vc