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*NOT ADMITTED IN PA.

July 26, 1984

Honorable Nunzio Palladino
Chairman
Nuclear Regulatory Commission
Washington, DC 20555

Re: Application of Philadelphia Electric Co.
No. 50-352, 50-353 *OK*

Dear Mr. Palladino:

Enclosed is correspondence directed to the Licensing Board and the Appeal Board, in an effort to get some recognition by the NRC of its duties with respect to the Limerick Generating Station, and supplemental water. This will supplement our letter of May 23, 1984.

As stated in that letter, the staff has had a secret contact with PECO regarding this matter, which, contrary to practice and regulations, was not documented. In fact, the staff explicitly promised to contact PECO before "a formal contact".

Action must be taken at some level to create a responsible approach to this problem, and we earnestly request that you do so.

In this connection, please be advised that on June 18, 1984, the Pennsylvania Environmental Hearing Board determined that the water diversion is subject to the Clean Water Act in regard to the discharge of diverted water into a creek on its way to Limerick. In our understanding, this will require that PECO design and build a sewage treatment plant in order to comply with water quality standards, which our engineers project will take at least two and possibly five years. This must be done before the diversion can be operated.

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PDR ADOCK 05000352
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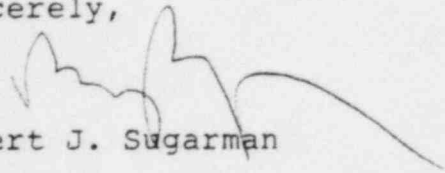
Hon. Nunzio Palladino

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July , 1984

In these circumstances, we earnestly call upon the Commission to direct that PECO pursue alternative sources of water, unless it wishes the NRC to adjust the schedules for Limerick accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Sugarman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert J. Sugarman

r11.rjs/sp
enclosures
cc: the service list

SUGARMAN, DENWORTH & HELLEGERS

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July 13, 1984

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Washington, DC 20555
Attn: Judge Lawrence Brenner
Judge Richard F. Cole
Judge Peter A. Morris

Re: Application of Philadelphia Electric Company
No. 50-352, 50-353

Dear Sirs:

This will follow up on my letter May 23, 1984, and my letter of July 5, 1984.

The staff continues to take the position that it need not be aware of anything unless PECO brings it to its attention. Enclosed is a letter to that effect from Mr. Denton to me, dated June 29, 1984.

However, new events have transpired which require that this position be taken as a basically biased pro-applicant position by the staff. I enclose herewith PECO's notes of a conversation of April 17, 1984, initiated by the NRC staff, regarding Point Pleasant and water issues. These notes indicate clearly that Messrs. Schwencer and Lehr, at the request of "management" inquired in detail of PECO concerning its ability to provide off-site water, and intimated that the Commission might not grant license to PECO if it does not have off-site water, and cannot run the plant in the absence thereof. (Page 3, No. 12.)

These notes indicate that the staff has, in fact, treated the issue in a manner exactly opposite to that which it has purported to take in its public positions. In fact, the notes of the meeting indicate that the contact was "informal" and that the staff would contact PECO before making the formal inquiry. This further underlines the conclusion that the staff is misleading the public, and to the extent that the Board only has available the information that the public has, is misleading the Board.

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We believe this to be directly contrary to the Board's instructions to the staff to circulate notice of meetings, and to keep the public informed.

In State Court proceedings, we have also recently discovered a memorandum, which we may not have brought to your attention. This memorandum, dated December 12, 1972, clearly establishes that the applicant was well aware in 1972 that the diversion of water into the East Branch Perkiomen Creek would necessarily adversely effect that Creek. This memorandum establishes, in the words of its participants, on page 4-5, that "the group generally agreed that the ecological requirements of the stream channel out weigh the the hydraulic, or flood factors, particularly with regard to obtaining approval of an application to construct the Limerick plant."

This, in context, clearly shows that PECO abandoned the idea of channelization because the Atomic Energy Commission would have to review the biological effects of channelization, and instead accepted erosion, because that would be a matter for DER (in the absence of PECO construction). Such a trade-off is inappropriate, and failing to disclose it is contrary to the rules.

Accordingly, Del-AWARE tenders this as a further basis for its requests.

We regard this as an extremely serious matter, and request, move, or offer new late filed contentions, as appropriate, to raise the issue that the NRC has itself recognized the potential problem with the unavailability of Point Pleasant, and has dealt with PECO concerning such problem, in an improper and secret manner, and contrary to the Board's orders, and the rules in the statute, and request that the Board take this issue up promptly.

Sincerely,

Robert J. Sugarman
Counsel for Del-AWARE,
Unlimited, Inc.

r11.rjs/sp
enclosures

cc: NRC Commissioners
Rep. Peter Kostmayer
Mr. Harold Denton
Troy Conner, Esq.
Ann Hodgdon, Esq.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY LICENSING BOARD

In the matter of)
)
PHILADELPHIA ELECTRIC COMPANY)
)
(Limerick Generating Station,)
Units 1 and 2))
)

Docket Nos. 50-~~352~~³⁴² JUL 30 P1:20

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing ~~INTER~~ by mailing a copy of the same to the following persons this 26th day of July, 1984.

Judge Lawrence Brenner
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Judge Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Judge Peter A. Morris
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ann Hodgdon, Esquire
Office of Executive Legal Director
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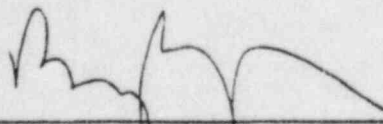
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