

Delaware River Basin Commission
Box 7360 West Trenton, NJ. 08628

Box 186 Moylan, Pa. 19065

November 28, 1986

Ladies and Gentlemen ,

50-352,353

We received a public notice of the DRBC hearing scheduled for 11/25/86 in Philadelphia to take testimony on PECO's request to reduce the flow requirement from 530 cfs to 415 cfs for withdrawal of Schuylkill River water for the Limerick nuclear plant cooling. As an intervenor for myself and Friends of the Earth in the Limerick proceedings and as an aggrieved citizen I respectfully urge the Commission to refuse this change. I had hoped to state our opposition in person but at the last moment was not able to attend the hearing. Will you please enter the following points in the record as our testimony and act to deny PECO's application.

We direct DRBC's attention to our testimony on 4/15/86 against PECO's application to use Titus, Gromby, Tamaqua, and Beechwood Pit water which we pointed out would subject the Schuylkill to extreme stress during the summer low flow period. We demonstrated this with the DO levels and low flow readings for 1985 taken from DRBC and PECO records. These were included in follow-up "Conclusions and Recommendations" which we submitted to DRBC in writing on 4/16/86.

It appears that DRBC did not heed our evidence but proceeded to issue PECO's requested amendment. We feel that DRBC did not act in good faith because it never acknowledged our research nor did it respect our petition to honor its obligation to another U.S. agency, the NRC, to withhold its decision on this application until the NRC had acted on our petition to suspend the Operating License for Limerick. Our petition was based on PECO's violation of the requirements of the operating license which require a license amendment for any change in the environmental impacts, specifically such a change as increasing Schuylkill withdrawals and removing temperature restraints.

DRBC granted the amendment on 4/29/86; NRC did not act on our petition to suspend the license because of Schuylkill water violations until 10/16/86. We enclose a copy of the cover letter from H.R. Denton to R.L. Anthony of that date. We intend to appeal this decision and again respectfully remind DRBC of the need for it to respect the NRC process and the rights of an aggrieved citizen by declining to act on PECO's current application until our appeal of the NRC action has been heard and decided.

We ask DRBC again to review the evidence we presented in our letter of 4/16/86 and to consider again the further evidence in our response to the NRC to our petition of 3/5/86 to suspend the operating license. We sent a copy of this response dated 6/19/86 to DRBC on that date. Our evidence shows the threat to the Schuylkill River from PECO's increased withdrawals. As you are well aware these increases were never considered originally by DRBC. It received assent from PECO that it would operate Limerick under the constraints of the River Follower principle. As we showed, the addition of Tamaqua water and transfer of Titus and Gromby allotments did not remove the severe downstream effects of Limerick's full power operation, unit 1., during the low flow summer months, 1985. Our evidence showed that temperatures at the Vincent dam persisted at 70-84 during July and August 1985. We showed that with Limerick withdrawals downstream from Vincent the water remaining in the Schuylkill low flow could rise well above 84°, to a point which could "cook" the river's organisms.

We request the DRBC to provide us with the record of Schuylkill temperatures and flow and DO content for the summer months of 1986. We are certain that the life of the river was damaged while PECO operated Limerick at full power from 6/21/86 to 10/31/86 with only 8 days of shutdown 7/5-7/12. We insist that this damage not be further augmented by reducing the flow minimum of 530 cfs.

cc: NRC-Docketing, H.R. Denton, PECO
Enc.: Letter 10/16/86 Denton to Anthony.

Urgently yours,

Robert L. Anthony

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Attention: Peg Dolente

