

RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

82 SEP 16 10:41

In the matter of:)

PHILADELPHIA ELECTRIC COMPANY)
(Limerick Generating Station)
Units 1 and 2))

DOCKET NO. 50-352 OF OFFICE OF SECRETARY
50-353 OF DOCKETING & SERVICE
BRANCH *emp*

APPLICATION OF
DEL-AWARE UNLIMITED INC.
FOR ISSUANCE OF SUBPOENAS

Pursuant to the regulations of the Nuclear Regulatory Commission ("NRC") at 10 C.F.R. §§ 2.720 (a), Del-AWARE Unlimited, Inc. ("Del-AWARE"), an intervenor in the above-captioned proceeding, hereby applies to the Atomic Safety and Licensing Board (the "Board") to issue the attached subpoenas to the persons named in such subpoenas commanding them to appear and testify at the Hearing before the Board on Del-AWARE's contentions relating to the supplemental cooling water system, scheduled to take place on October 4-8, 1982.

In support of this application, Del-AWARE states the following:

1. Mr. Joseph Miller is a biologist and director of the U.S. Fish and Wildlife Service shad recovery program in the Delaware River. Mr. Miller will testify at the Hearing regarding the importance of Point Pleasant as a habitat and fishery for American shad and the impacts of the intake on same, the impacts of the changes in hydraulics and hydrology resulting from the intake, the impact of

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the intake on the pool and on the American shad and shortnose sturgeon as a result of these changes, and the impact of the intake and its operation on dissolved oxygen. A subpoena compelling Mr. Miller's attendance at the Hearing is necessary due to the policy of the U.S. Fish and Wildlife requiring such subpoenas before its employess may testify in private litigation.

2. Mr. Richard McCoy is also a biologist employed by the U.S. Fish and Wildlife Service and is responsible for review of projects affecting the Delaware River, including the impacts of such projects on dissolved oxygen and salinity. Mr. McCoy will also testify at the hearing regarding the importance of the Point Pleasant area as a habitat and fishery for American shad and other species, and the impacts of the intake on same, the impacts of changes in Delaware River hydraulics and hydrology resulting from operation of the intake, and particularly the impacts of the intake on dissolved oxygen. Mr. McCoy's testimony will focus on the relevant reviews made by the U.S. Fish and Wildlife Service, the relationship between the Point Pleasant intake project and the salinity program studies, and analyses of DRBC program changes and proposed projects which will cumulatively affect water quality, including

dissolved oxygen. A subpoena compelling Mr. McCoy's attendance at the Hearing is necessary for the reasons stated in paragraph (1) respecting Mr. Miller.

3. Mr. George Pence is an employee of the U.S. Environmental Protection Agency, Region III, who has had primary responsibility, as head of environmental review, for that agency's role in the Point Pleasant diversion project during 1980-1982. Mr. Pence will testify as to the Environmental Protection Agency's findings, conclusions and understandings regarding the impacts of operation of the intake relevant to the contentions in issue in the Hearing. A subpoena compelling Mr. Pence's attendance at the Hearing is necessary due to the Environmental Protection Agency's policy requiring that such a subpoena be served before its employees may testify in private litigation.

4. Mr. Gerald M. Hansler is the Executive Director of the Delaware River Basin Commission. Mr. Hansler will be asked to testify regarding Delaware River flow, the operations of the Point Pleasant intake, the likely effects of the proposed management plan of the Delaware River on flows at the intake area, and other facts relevant to an evaluation of the

effects of the intake on aquatic life and recreation in the vicinity of the intake.

5. Mr. Thomas G. May is a vice president of Betz Converse Murdoch, Inc., environmental consultants who have prepared environmental assessments and a Section 404 analysis for the Point Pleasant diversion project. Mr. May will be asked to testify regarding the further studies needed to fully and adequately evaluate all of the various impacts of the intake, the relationship of flow and velocity to the impacts of the intake, the presence of toxic pollutants in the Delaware River and the potential for transfer of these pollutants to the Bradshaw Reservoir, and the possibility of leaching of diverted Delaware River water from the Reservoir and the resulting possibility of contamination of nearby groundwaters due to the leaching of pollutant-laden waters.
6. Harold Brundage is an environmental consultant employed by Ichthyological Associates, Inc., who has prepared reports relating to the effects of the proposed Point Pleasant intake structure on the shortnose sturgeon and has submitted such reports to the U.S. Army Corps of Engineers on behalf of Philadelphia Electric Company and/or Neshaminy Water Resources Authority. Mr. Brundage will be asked to testify as to the presence of

shortnose sturgeon in the intake area and the likely impact of the intake on them under various velocities.

WHEREFORE, Del-AWARE respectfully requests that its Application for Issuance of Subpoenas be granted and that the board issue the attached subpoenas to the persons named therein.

Respectfully submitted,

Robert J. Sugarman/mse
Robert J. Sugarman
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Dated: September 14, 1982

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Application of
Delaware Unlimited, Inc. for Issuance of Subpoenas was served by
mailing a copy of the same to the persons listed below.

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Dated: September 14, 1982