

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC.

'82 OCT 14 P3:37

In the Matter of)
)
Philadelphia Electric Company)
)
(Limerick Generating Station,)
Units 1 and 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Docket No. 50-352-OL
50-353-OL

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Lewis/Hodgdon
Chan/Chandler
Rutberg
FF

MOTION TO STRIKE TESTIMONY OF JOHN LEHR

Reply due Oct. 12, 1982

Pursuant to the Board's Order of August 23, 1982, Del-AWARE hereby moves to strike the testimony of John Lehr, to the extent indicated below:

1. The witness proposes to testify that his testimony "addresses the potential for the presence of toxics", and in A-3 identifies toxics TCE, PCB, Manganese, pesticide and others. However, the witness's testimony deals with the water quality generally, and thus goes beyond the witness's statement of the purpose of his testimony, as well as the his understanding of Del-AWARE's definition of toxics.

2. The witness's testimony shows extreme bias, in that all parameters are referred to as "not violated", "infrequent violations", "with the exception of", and "except", and makes no positive statements regarding violation, without qualifying them by concept of "infrequent". Furthermore, the testimony discloses a consistent bias in failing to deal

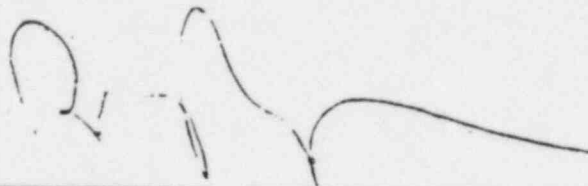
with bioaccumulation by humans and aquatic life, or the potential impact of toxics on aquatic life, singly, and cumulatively, and synergistically.

3. The testimony also displays consistent and extreme bias in failing to deal with impacts of toxic levels, the absence of any data to support the conclusions of the DRBC regarding toxics, and to qualify or provide a basis for his claimion that impurities in ground water "can be controlled to acceptable levels".

4. The witness has refused and failed to consult reports and data available from such sources as Environmental and Protection Agency, reporting on toxic contamination in the Lehigh River, and indicating the presence at levels above unacceptable action levels at the mouth of the Lehigh for at least seven constituents during average conditions after completion of compliance.

5. The witness has consistently used qualitative words such as "significant", "sporadically", "occasional elevations", and "very low". The witness as characterize toxic substances observed concentrations as very low, despite the fact that he admits there are only "very limited data" on such substances, and he has ignored some of that which does exist. (A15)

For the foregoing reasons, the testimony of witness Lehr would be misleading, is unqualified, and would be inappropriate being received by the Board, and should be excluded.



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