

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'83 FEB 17 P1:33

ATOMIC SAFETY AND LICENSING BOARD

In the matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352
)
(Limerick Generating Station,)
Units 1 and 2)

PETITION TO FILE LATE
FILED CONTENTION

Del-Aware Unlimited, by its Counsel, petitions the Board to accept as a late filed contention under 10 C.F.R. §2.714 the following:

V-25 The dramatic increase in costs of Limerick 1 and 2 since the CP Proceedings is a substantial change in circumstance which requires reconsideration of the river follower method.

Basis: PECO announcement of 1/27/83; Boyer testimony, 2/8/82. Each day of outage will cost at least 2 million dollars, and probably up to 3 million dollars. For this reason, alternatives available in the Schuylkill River Basin, for one unit or two units, which will avoid the 20 or more days of outage each year assumed in the river follower method, will save 40 to 60 million dollars per year, which has a capitalized value in excess of \$400 million. This cost of outage, when placed in a relative cost benefit analysis relative to other alternatives, as well as on a cost benefit analysis, when performed on a full cost basis, will show that the river follower method is no longer viable either as opposed to alternative sources of energy, or on an absolute basis.

To this, must be added the fact that the Blue Marsh Reservoir water, on the Schuylkill River, was not available to Philadelphia Electric during

the early 1970's, but due to changes in demographics and water usage, is now available for sale from the DRBC. Similarly, public water supply allotments or entitlements in the Schuylkill River Basin, previously anticipated not to be available, are now available. This refers both to Philadelphia Suburban Water Company entitlements in the Perkiomen Creek and City of Philadelphia entitlements in the Schuylkill River.

Further, when the deletion of Unit 2 is finally acted upon, this will make the river follower method even less viable, inasmuch as the construction costs will be allocated only to one unit, while the frequency of outage will remain the same; thus, the capital cost of the water system will effectively double. In addition, because of Philadelphia Electric's disproportionate assumption of operating costs for the Point Pleasant system, the deletion of Unit 2 will adversely affect the benefit cost ratio for operating expenses as well. In addition, the proposed alternative involves three or four remote pumping stations, substantially reducing its reliability as compared with a Schuylkill River gravity system.

The basis of accepting the foregoing as a late filed contention is as follows:

1. On December 8, 1982, Vice-President Boyer of Philadelphia Electric Company stated that the company had sought to acquire the Blue Marsh or other Schuylkill water in the early 1970's, but had been told none was available. This means that the possibility of such water is now a new and changed circumstance.

2. On or about January 27, 1983, Philadelphia Electric announced a cost increase since the latest cost estimate, in 1980, of \$1.6 billion. Obviously, this significant information is a new and changed circumstance.

3. While the Philadelphia and Blue Marsh and Philadelphia Suburban Water availability was known during the last few months, the Board held that the fact that it was unavailable during the 1970's was inadequately set forth in Petitioner's previous proposed contention. Petitioners obtained evidence of this fact on December 8, 1982. Since the Board had indicated that it was prepared to deal with Petitioner's proposed contention as soon as the requested information was received (TR 3627), Petitioners were justified in waiting for the Board's response rather than seeking to amend their prior filing, especially since the Board had previously chastised petitioners for unauthorized filings.

4. The Board had also informed Petitioners that they might submit evidence or basis for increased feasibility, as distinct from physical possibility, of Schuylkill River alternatives, in responding to the Board's request for additional information. (TR 3625)

5. For foregoing reasons, the matters now proposed as new and changed circumstances could not reasonably be brought to the Board's attention earlier, and there is good cause for this filing.

6. If the proffered contention is not presently within the definition of the proceedings, and in view of the staff's previous additions, it is plain that this contention will not be litigated other than by the intervenor, and there is no other means to protect petitioners interest.

7. Petitioners have demonstrated that they are in a good position to make a sound record on this issue.

8. No existing parties will litigate this issue.

9. The issues will broaden the case only to a limited degree and might not delay the proceedings.

WHEREFORE, petitioner requests that it be permitted to assert, as a late filed contention, Contention V-25 set forth above.



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Dated: February 1⁴, 1983

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of Feb 17 P1:34
February, 1983, served a copy of the foregoing Petition
to File Late Filed Contention by mailing a copy of the
same to the following persons:

Lawrence Brenner, Esq., Chairman
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