

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of ) Docket Nos. 50-352  
PHILADELPHIA ELECTRIC COMPANY ) 50-353

REQUEST TO FILE LATE FILED CONTENTION OR TO REOPEN

Intervenor moves to allow filing of late filed contention or to reopen the record, as follows:

V35 The applicant has a available and inadequate amount water to operate the cooling water system for one unit. It is now been determined on the basis of adjudicatory record that there is a substantial likelihood of significant erosion from any further operation of the system. Accordingly, an operating license cannot issue for Limerick Unit 1, since there is in adequate cooling water available.

V36 The adequacy of Blue Marsh to supply cooling water for Limerick has been demonstrated, and the Board should find that there is no longer any justification for the proposed diversion system, with its admitted adverse environmental consequences (whether or not significant for the Delaware River fish populations).

2. Intervenor cites as the basis of the proposed contentions and/or matters requiring reopening of the record the following:

(a) V-35 The basis of the contention V-35 is the initial decision of the Pennsylvania Public Utility Commission issued December 19, 1983 (not December 12, 1983, as falsely and misleadingly presented by the staff in its reply dated January 4, 1984).

(b) V-36 The basis is the same.

3. Justification for present filing:

The PUC initial decision became available only a few days

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4. Likelihood of this presentation of this position by any other party:


The staff has conceded that it no longer is fulfilling any function with respect to supplemental cooling water issues.

5. Delay of proceedings and widening of issues:

These are the same general issues that have been raised for many months by intervenors, which the staff and applicant have treated as premature. As of January 4, 1984, the staff is still holding some concerns to be premature (Bucks County Commissioners' actions). Staff's current refusal to confront and deal with reality is not only monumental indifference, but bureaucratic arrogance, and should be reprimanded by the Board.

Ability of intervenor to present the issue to the Board: the matters presented herein are simple and require little if any testimony and can be well presented by the intervenors. To the extent that there is any factual challenge to the findings of the PUC, intervenors' witnesses have already qualified to present such types of evidence.

WHEREFORE, intervenors respectfully request that the hearings be reopened in order to perform the functions of this Commission properly, and further that the foregoing matters be accepted as late filed contentions.



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Dated: January 12, 1984  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY LICENSING BOARD

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'84 JAN 17 A10:05

In the matter of )  
 )  
PHILADELPHIA ELECTRIC COMPANY ) Docket Nos. 50-352  
 ) 50-353  
(Limerick Generating Station, )  
Units 1 and 2) )  
 )

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing REQUEST TO FILE LATE FILED CONTENTION OR TO REOPEN by mailing a copy of the same to the following persons this 12th day of January, 1984.

Judge Lawrence Brenner  
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Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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Appeal Panel  
U.S. Nuclear Regulatory  
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Judge Richard F. Cole  
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