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DOCKETING & SERVICE
BRANCH
NOT ADMITTED IN PA.

November 30, 1983

Christine N. Kohl, Esquire, Chairman
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stephen F. Eilperin
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Reginald L. Gotchy
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Application of Philadelphia Electric Company
Docket No. 50-252/ 50-253

Dear Judges:

I enclose herewith a copy of the Ordinance enacted by Bucks County on November 18, 1983, which enacts a takeover of the Point Pleasant diversion project by the County.

As you no doubt know from earlier correspondence, the County had previously expressed its intention to terminate the project. In case you are not aware of this, I enclose herewith a letter signed by the outgoing Majority Commissioners making that commitment, dated May 18, 1983.

As you may also know, the Minority Commissioner, Carl Fonash, is an appellant in litigation brought to overturn the permits granted to the project by the Pennsylvania Department of Environmental Resources and the Corps of Engineers, as well as to review the then pending decisions of the Nuclear Regulatory Commission. The former appeals are presently pending before the Pennsylvania Environmental Hearing Board, while the latter appeal is pending on petition for certiorari before the Supreme Court on other issues.

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PDR ADOCK 05000352
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DS03

November 30, 1983

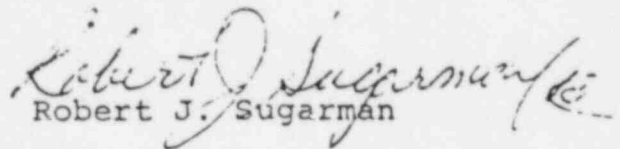
Christine N. Kohl, Esquire, Chairman
Stephen F. Eilperin
Dr. Reginald L. Gotchy

To complete this picture, please be advised, also, that the applicant Philadelphia Electric Company has filed a proceeding in the Pennsylvania Public Utility Commission to obtain approval to override local zoning to construct the Bradshaw Reservoir pumphouse, a necessary part of the Point Pleasant water diversion. Hearings on that application were completed in May, 1983 and the matter is now awaiting a proposed decision by the administrative law judge.

As you know, Del-Aware's request that the entire impacts of the Point Pleasant diversion be analyzed in an environmental impact statement by the Board were rejected by the Licensing Board on the basis of an affidavit taken by the Executive Director of the Neshaminy Water Resources Authority, Robert Flowers, in July, 1982, to the effect that the Authority would proceed with the Point Pleasant project with or without Philadelphia Electric Company. At a minimum, that statement is clearly no longer true, and at a maximum, there will be no Point Pleasant diversion for Philadelphia Electric to hook into.

In these circumstances, appellants request that the Board remand the matter to the Licensing Board and the staff for consideration of the Blue Marsh alternative.

Sincerely,


Robert J. Sugarman

RJS/asa

cc: Staff Counsel
Conner & Wetterhahn



COUNTY OF BUCKS
OFFICE OF THE COMMISSIONERS

Administration Building, Doylestown, Pa. 18901

215-348-2911

215-752-0281

County Commissioners

ELAINE PETUCH ZETTICK, *Chairman*

ANDREW L. WARREN, *Vice-Chairman*

CARL F. FONASH

May 18, 1983

Philadelphia Electric Company
21st and Market Streets
Philadelphia, PA 19103

Attention: Mr. Vincent Boyer
Vice President

Dear Mr. Boyer:

Please be advised that we, the Bucks County Commissioners, are hereby terminating our contract with you to operate the Point Pleasant Pumping Station pursuant to the Agreement between the Neshaminy Water Resources Authority and Philadelphia Electric Company dated February 12, 1980.

Very truly yours,


Elaine P. Zettick, *Chairman*


Andrew L. Warren

Exhibit -

ORDINANCE NO. 59

AN ORDINANCE SIGNIFYING THE INTENTIONS OF BUCKS COUNTY TO ACQUIRE THE PROJECTS OF THE NESHAMINY WATER RESOURCES AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT OF 1945.

BE IT ENACTED AND ORDAINED by the Board of County Commissioners of Bucks County, Pennsylvania, AND IT IS HEREBY ENACTED AND ORDAINED by the authority of the Board of Commissioners as follows:

Section 1. On June 13, 1936, by Ordinance No. 11 of Bucks County, the Board of Commissioners of Bucks County, Pennsylvania established a municipal authority under the provisions of the Municipality Authorities Act of 1945 (Act of May 2, 1945, P.L. 382, as amended) known as the Neshaminy Water Resources Authority.

Section 2. The initial projects which the Neshaminy Water Resources Authority was authorized to undertake included: to acquire, build, construct, improve, maintain and operate, own, lease, either in the capacity of lessor or lessee, flood control projects, low head dams, water works, water supply works, water distribution system, lakes and appurtenant parks, recreation grounds and facilities.

Section 3. The Neshaminy Water Resources Authority was originally created by the Bucks County Commissioners in part because of then applicable limits on long-term borrowing by a County, which limits could be lawfully evaded by the creation of a municipal authority.

Section 4. Since the time when the Neshaminy Water Resources Authority was organized, changes in applicable law, including the Local Government Unit Debt Act, have occurred which make any borrowings of the Neshaminy Water Resources Authority a part of the stated and acknowledged debt of the County of Bucks, thereby diminishing one of the original purposes for which the Neshaminy Water Resources Authority was created.

Section 5. The Neshaminy Water Resources Authority has established as its first project the construction and acquisition of facilities for the control of floods, development of water resources, the conservation of soil, and assistance to recreation, including the construction and acquisition of reservoirs for the purposes of water supply and flood control and the construction of one or more intakes and pumping stations to take water from the Delaware River, and the construction of parks and recreational facilities adjoining certain of the reservoirs. The project, subsequent to its initial design has been expanded to include construction of a water treatment plant and certain pumping facilities for treated water.

Section 6. The project, as undertaken by the Neshaminy Water Resources Authority, is either completed or contracts have been awarded which are a substantial step toward completion of the project.

Section 7. Bucks County now desires to acquire the project, pursuant to Section 321(A) of the Municipality Authorities Act.

Section 8. The reasons for Bucks County's intention to acquire the project include the results of a referendum question on the May 17, 1983 primary ballot, the concerns of the Bucks County Commissioners over the terms of certain contracts which require the issuance of bonded debt for a longer term than is thought possible or practical, and their desire to have direct control over the terms and financial impact of the project.

Section 9. Bucks County assumes all of the obligations, contracts, assets and liabilities of the Neshaminy Water Resources Authority with respect to the project, and the proper officers of the County are authorized and directed to take such actions and execute such documents as are necessary to assume all obligations incurred in connection with the project.

Section 10. All bonded indebtedness previously incurred by the Neshaminy Water Resources Authority shall, upon adoption of this Ordinance, be secured by the full faith and credit of the County of Bucks.

Section 11. All ordinances and resolutions, or parts thereof, inconsistent herewith are hereby repealed or rescinded.

DULY PRESENTED AND ENACTED at a meeting of the Board of Commissioners of the County of Bucks, Pennsylvania, held the day of , 1983.

Attest:

Elaine P. Zettick, Chairman

County Chief Clerk
(SEAL)

Andrew L. Warren

Carl F. Fonash

Board of County Commissioners