

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED

'83 DEC 19 AM 11:44

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

Docket No. 50-352-OL
50-353-CL

REQUEST FOR LATE FILED CONTENTIONS

Intervenors, Del-AWARE et al. request the admission of
late filed contentions, as follows:

v-30 The Commission's draft environmental impact statement discloses an inadequate and inappropriate reliance on findings of the DRBC with respect to adequacy of water, which are totally inconsistent with that agency's 1983 statements in the Interstate Water Management Plan, and in the staff analyses regarding the enlargement of reservoirs in the system, as well as the relaxation of the salinity standard. These documents show, contrary to the staff analysis, that there is a shortage of water in the Delaware River, and thereby undermine the basis for granting water to a facility which is not needed. At the same time, no analysis has been made as to the need for the facility.

v-31 The staff's analysis of the impacts of the diversion on the east branch of the Perkiomen is totally inadequate and fails to discuss the information that has become available since 1973, for example, in the Environmental Hearing Board and PUC hearings regarding the proposed diversion.

v-32 The action of the Bucks County commissioners on November 18, 1983, in passing the ordinance, with the intent, inter alia, of implementing the results of the referendum of May 18, 1983,

DS03

calling for a halt to the project, and the action of the Bucks County Common Pleas Court on December 6, 1983, denying applicants Motion for Preliminary Injunction which would have barred the Commissioner from any implementation of the ordinance, demonstrates that the applicant has no available supplemental cooling water system, and therefore no prospect of operating the plant properly. It further demonstrates that the operating impacts of the diversion as a whole should be regarded as attributable to the operation of the facility, and that construction impact should be so attributable as well, since the applicant's motion makes it clear that there would be no pumping station facility were it not for the applicant's alleged damages.

2. The bases of these contentions, respectively, are as follows:

v-30 DRBC staff analyses of proposals for reservoirs, EPA and DRBC staff analysis of relaxation of salinity standards, all issued between July and September, 1983.

v-31 Testimony of Messrs. Phillippe, Kaufmann, Beemer, Steacy, Tourbier before the Pennsylvania PUC and Environmental Hearing Board.

v-32 Ordinance and Opinion.

3. Justification for present date of filing
(applicable to all three proposed contentions): The facts alleged in these proposed contentions were all discovered subsequent to the Board closing the record on the supplemental cooling water contentions. To the extent that they were available, they were brought to the Board's

attention prior to its ruling of March 8, 1983. That ruling determined that the matters at issue had been finally determined, and would not be subject to relitigation. That appeared to foreclose all further opportunity for consideration of these matters before the Licensing Board, and accordingly, intervenors have sought to address them before the Appeal Board. However, at oral argument on December 5, 1983 the Appeal Board suggested that these matters might be further litigable before the Licensing Board by way of late filed contentions, notwithstanding the Licensing Board's decision, and statement that its ruling was final and not relitigable, and apparently notwithstanding that the matter appears to be out of the jurisdiction of the Licensing Board by reason of the appeal. In order not to be further trapped by the impenetrably obscure procedures of the NRC, intervenors therefore file these contentions at this time, so that they will not be deemed to have waived them in the event they might be presented after action on the previous Partial Interim Decision.

4. Need for intervenors to litigate these issues: the need is obvious. The Board is well aware of the staff's refusal to consider or develop any issues contrary to the interest of the applicant, and to intervenors' knowledge, applicant has not even given the Board notice of the enactment of the Ordinance, much less of the DRBC action.

Staff took no notice of these actions, despite their having been raised to the staff and to the Appeal Board.

5. Prejudice: The prejudice, if any, is to the intervenors, who once more have to relitigate issues which under this Commission's mandate, the staff and respectfully, this Board and other Commission organs are statutorily obliged to look into. Instead, intervenors have been required to expend valuable personal and private resources in trying to do the job of the Commission.

6. Intervenor believes that resolution of the foregoing issues is absolutely essential to the appropriate and responsible discharge of this Commission's responsibilities.

7. Intervenor are not aware of any requirement that documentation be attached to requests for contentions, and further believe that the Board has not so required previously. Nevertheless, as surplusage, in anticipation of the claim of failure to provide basis, intervenors attach hereto copies of the Bucks County ordinance, the Court's Opinion denying PECO's Motion for Preliminary Injunction, the DRBC staff analyses referred to, and EPA's comments on the DES to the staff of August 15, 1983. If there is further documentation

required, intervenors respectfully request that they be advised of such documentation before the Board acts.

Respectfully submitted,



ROBERT J. SUGARMAN
Counsel for Intervenors
Del-AWARE Unlimited, Inc.

Of Counsel:

SUGARMAN & DENWORTH
121 South Broad Street
Suite 510
Philadelphia, PA 19107
(215) 546-0162

Date: December 15, 1983

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, 1956, 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. 352, 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 eliminating 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 221(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:

Elsine P. Zettick, Chairman

County Clerk

Andrew L. Warren

Capt. F. Fennell

Board of County Commissioners

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

6TH AND WALNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106

APR 15 1983

Dr. Rajender Auluck, P.E., Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Dr. Auluck:

EPA has completed its review of the draft EIS for operation of the Limerick Generating Station, as required under Section 309 of the Clean Air Act. In general, the document is acceptable with certain exceptions enumerated in the attached technical comments. As a result of the review, the draft EIS is rated ER-2, which means that the environmental reservations are related to insufficient information. The attached sheet describes the rating system used by EPA and is enclosed for your information.

In late 1980 and early 1981, the EPA EIS review staff met with the DRBC and PaDER several times to clarify environmental issues related to the Neshaminy Creek Watershed Plan and Water Supply Plan. The issues discussed had been raised in a letter to DRBC, dated September 26, 1980, and supplemented in subsequent meetings. The issues included analysis of flows, population and water use projections, water conservation controls, and the relationship of the Philadelphia Electric Company needs (described in Docket No. 79-52-CP) as it relates to components of the NWRA watershed and water supply plans. These meetings resolved our technical concerns regarding the NWRA portion of the diversion proposal and resulted in our conclusion that the potential benefits to be derived from the diversion, as claimed in the various Dockets, far outweighed any potential adverse impacts. This is the position EPA took in a letter dated February 17, 1981 to Governor Tribbet of Delaware, who was then the U.S. Commissioner of DRBC.

The majority of the following comments are concerned with radiation and cooling water with regard to its sources and receiving streams. In some cases the radiation information is incompletely addressed while in other places it is presented in a way that is confusing to the reader. The major deficiencies regarding radiation are: a) treatment of EPA standards, b) a lack of information on postulated accidents, and c) a lack of information on decommissioning.

EXHIBIT A

Radiation Concerns:

A most important concern is the treatment of the EPA standards for the uranium fuel cycle given in 40 CFR 190. These standards are fleetingly addressed on pages 5-38 and 5-48, 49. The standards are incompletely described and are addressed only by the vague statement that "under normal operations the Limerick facility is capable of operating within these standards." This statement does not state whether or not the plant actually will operate within the standards, and more importantly only a part of the standard is referenced by the DEIS. Attached is a copy of 40 CFR 190 for your information. In a careful study of the DEIS, we have found that information is supplied on pages 5-64 and D9-D11 which may be compared to the EPA standard, but the information is not presented in an understandable format and there is some question as to whether the standard for release of krypton-85 will be met. The EPA standards should be directly and completely addressed in the EIS in tabular form so that projected releases may be directly compared to the standard. The standard is applicable only to normal operations.

In addition, there is a lack of information on postulated accidents and on the radwaste system. On pages 5-61 it is stated that NRC's review of the utility's probabilistic risk assessment has not yet been completed and "will be factored into the NRC staff's analysis . . . to fulfill the requirement of this section of the DES." The radwaste issues are to be addressed in Chapter 11 of the SER. Both of these issues are an integral part of the environmental impacts of the plant and should be considered as a part of the NEPA process. No final EIS should be issued before these issues are reviewed by EPA and supplemental comments provided to NRC.

As a final note on the radiological portion of this review, the impacts of decommissioning are only briefly mentioned in passing. At least a general order of magnitude of these impacts should be discussed, though specific numerical estimates of the impacts are probably not yet available.

Hydrology and Cooling Water:

Information presented in the document regarding hydrology is in agreement with information available to the EPA technical staff. However, some serious questions have been raised over the cooling water sources and uses.

flows are raised, meaning withdrawal of 30 MGD in Table 4.1 and Section 4.2.4. Page 4-10 indicates a withdrawal rate of 95 MGD from the Delaware River. Of this, a maximum of 46 MGD will be diverted to Limerick. However, Table 4.1 shows a maximum flow of 37 MGD from the Delaware/Perkiomen. This apparent inconsistency should be explained.

Page 4-12 indicates a maximum withdrawal rate of 41.9 MGD from Perkiomen is expected. However, this does not match with the maximum flow of 46 MGD diverted to Limerick, as stated on page 4-10, nor does it match the flows in Table 4.1 for the Perkiomen. Again the apparent inconsistency should be explained.

These inconsistencies may be serious, with implications reaching from operation of the Point Pleasant diversions all the way to the range of possible effects upon the final receiving stream. These could impact the Bradshaw reservoir, the East Branch of the Perkiomen Creek, the Perkiomen Creek, the Schuylkill at the confluence with the Perkiomen, and downstream.

Section 4.2.4 should detail the current conditions of those streams to receive diversion water more thoroughly than is done. For example, virtually nothing is included regarding the conditions of the riparian habitat or the flood plain, and in chapter 5 no mention is made of the effects under extreme conditions, e.g., high flows of short duration. We agree that diverted water will result in negligible effects most of the time and furthermore will probably have beneficial effects ecologically. However, extremes should be thoroughly explained. In addition, very little is mentioned regarding the effects of the environmental ramifications of flows 4 to 25 times normal. You have included information that flows are below the highest flows and that they are well within the erosion limits, but disclosure should go beyond merely the water quality conditions. The answers are probably available and deserve inclusion, if only by reference.

In addition, no mention is made of the effects the Pennsylvania Public Utility Commission decision regarding unit two. If only one unit is ever operated, what are the implications for the cooling water budget both from the Point Pleasant diversion and the Schuylkill? Since this possibility has been disregarded, we have no way of estimating any aquatic impacts that may result from differing operational configurations. If only one unit is ever brought on-line, alternative sources of cooling water may be available. In this case, diversion of water into the East Branch of the Perkiomen may be unnecessary.

of the operational plans outlined in the report. It is concerned with the use of releases from the yet to be constructed Merrill Creek facility. Admittedly, all the ramifications of this are unknown, but it seems apparent that releases from that facility will seldom be needed. However, if that facility is necessary for the successful operation of the LGS then what contingency has been planned in the event that the Merrill Creek facility is precluded? This as well as other impoundments appears to be crucial to future water quality in the Delaware.

Recent information indicates that DRBC is continuing to update the modeling of the Delaware, especially with regard to the salinity criteria. As we understand it, the latest salinity objective for the year 2000 is unachievable under current operational modes of existing and planned impoundments and diversions. Apparently a need exists to adjust the operational configuration of these projects to achieve the salinity objective. Aside from the fact that DRBC has a plethora of alternatives to consider and quite a few years to develop and examine them, still the demands by Limerick are certainly a part of the Point Pleasant diversion and certain to be a concern in the deliberations over the salinity issue. Therefore, the salinity issue and operation of the Limerick plant are related and the basin's overall water budget into the future may effect the operation of the Limerick plant. Sections 5.3 or 5.3.2.3 should include discussions regarding salinity and the EIS should include information on the impacts expected from the various operational configurations, both for the LGS as well as for the dams and diversions.

An apparent inconsistency exists in statements under Section 4.3.2.1 (p. 4-3) and 5.3.2.2 (p. 5-3). In the first case it is stated that no changes in the overall scheme for water use has occurred while on page 5-3 it is stated that several changes in the design have taken place. The reviewers assume that these changes have been made to accommodate water quality implications, however, no information is presented to tell why such changes were necessary and why such drastic efforts were needed for what appear to be incremental improvements. On the other hand, perhaps these design efforts have been made for larger improvements than are expressed. If this is so, then the document should discuss design changes discarded and why.

of the fact that apparently diversion is the solution for improving the lower portion of the East Branch.

In Section 5.3.2.3, operation of the diversion and its environmental effects are discussed. It is understood that once the diversion of water to Limerick is begun the flows will be maintained so that extremes in fluctuation of water levels in the streams used for diversion will be avoided. However, no mention is made of how the diversion will be operated so that flash floods resulting from short duration/high intensity storms will not be exacerbated. There may be no cause for concern here, but some attention should be paid to the possibility, especially in light of the lack of riparian habitat along the streams of the area. In other words, much of the flood plain in the area has been changed so that it is now dedicated to agriculture or to activities other than flood way.

Air Concerns:

Under air impacts on page 5-24, the emissions are estimated to be "less than EPA de minimus levels" for certain pollutants. These de minimus levels are probably those used for PSD purposes. No information is given on the actual off-site ambient concentrations that will result. While the low emissions will most likely result in very small impacts, this does not justify the complete lack of any numerical data to backup this assertion. At a minimum, annual and maximum 24-hour emissions should be given. A simple model could then be run to estimate off-site concentrations. If these are truly as small, this will reinforce the conclusion that the impacts are too small to be significant.

Finally, on page 5-15, first paragraph, the last sentence states that "Actions to mitigate these potential impacts (from cooling tower chlorination) should be considered . . .". This statement constitutes a recommendation to the utility and is out of place in an EIS. It would be more appropriate to discuss what will be done, what are the alternatives and what mitigative actions will be implemented.

The following are some other points and information for consideration and information.

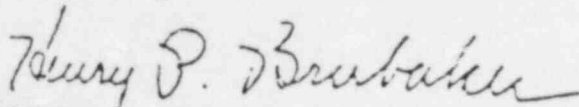
- 1) On page 4-37 mention is made of the possibility of the presence of eels in the Delaware. This is very likely, especially in light of the fact that a small eel fishery exists in the Fort Jervis area, far upstream of the diversion facility.
- 2) The document contains some very assured statements regarding the ultimate improvement in quality of the streams receiving diversion water. However, monitoring in conjunction with operation of the diversion should be carried out for all parameters contained in the draft EIS as well as for the fish community. A good start has been made, as described in Section 4, of the trophic levels in all the streams. This should be expanded and continued as the diversion is completed and placed into operation.
- 3) Section 5.3.2.3 describes the nonthermal water quality anticipated for the Bradshaw facility and the Delaware. A statement is made that the reservoir will act as both a sediment controlling facility as well as a phosphorous sink. However, no mention is made regarding the nonsettlable fraction which will pass through the reservoir and may negate any phosphorous control claimed as a benefit of the reservoir. Perhaps some reassessments are in order if the modelling for receiving stream water quality has not included this source of phosphorous. In addition, we failed to see any statements covering retention time in the Bradshaw facility. Information from other sources indicates that sediment control is not achieved with flows greater than 10% of total capacity flow through per day. However, this is an optimum figure that is adjusted on a case-by-case basis. In any event, the claims made by the NRC for sediment control using the Bradshaw facility should be substantiated statistically in the final EIS.
- 4) The next-to-last paragraph on page 5-25 states that "... induced shock will adversely affect biota along the Merrick Transmission corridor." Perhaps this is a typographical error because the remainder of the paragraph describes just the opposite. However, if this is not an error, then this section needs to be rewritten.

With regard to the cooling water discussions, the document is inconsistent in its presentation of the water budget and the needs. Major deficiencies in the water area of concern are: a) cooling water budget inconsistencies, b) the range of cooling water needs for differing operating configurations, c) aquatic impacts of flow extremes in diversion and receiving streams that may occur over short time spans, and d) dilution for water quality improvement in the lower portion of the East Branch Perkiomen Creek. These are the two major areas addressed in the comments and are followed by some air pollution concerns and other minor points.

We appreciate the opportunity to review the document and your staff's cooperation. If any points require further discussion or clarification, please contact Mr. Robert Davis of the EIS Review Team. He can be reached on 215-597-4388.

Thank you.

Sincerely,



Henry P. Brubaker
Chief, Analysis and Services Section

Enclosure(s)

8/14/82
J.D. P.

SUBJECT: Trip Report EPA-DRBC Staff Mtg.
On Limerick-Pt Pleasant Dec. 18, 1980
At DRBC Headquarters

DATE: December 22, 1980

FROM: Ed Geismar
Basin Commission Coordinator *Ed Geismar*

TO: Nicholas DeBenedictis, Director
OIRPA

Both parties agreed that meetings was very rewarding and timely in view of new developments.

- a. NRC will do EIS on operation of Limerick.
- b. It is proposed that DRBC Dockets be considered in a new light in view of NRC action. Approval could be given to NWRA Docket D-65-76CP(8) while a "Conditioned Option" be given to the PECO Docket D-79-52CP pending NRC EIS. By this route NWRA could move ahead now to construct only what is needed for NWRA. All aspects of the Nuclear Facility would be held in obedience.

Items Discussed and Findings:

- a. EPA remained emphatic concerning our feelings of the need for an EIS joining the Pt. Pleasant and Limerick projects.
- b. We determined that the consumptive use listed in the Negative Declaration by Hansler of 54 mgd for Limerick should be 35 mgd which is equivalent to 54 cfs. This error by Hansler accounts for our comment on the large amount of waste used (consumed) by Limerick. Actual figures are 38.5 average to 46.2 maximum mgd.
- c. DRBC will clarify our concern of discharge (45 mgd) to Upper North Branch Neshaminy. Our concern was related to erosion, stream blow out, flooding, etc. DRBC says they will provide us with information relative to energy dissipation and assurance that they have covered the environmental issues we were concerned over.
- d. Population projections were resolved. Our comparison indicates the project figures are within 2% of consensus figures for 1980.
- e. Land use issues involved considerable discussion. Our concern over secondary impacts to a new water bank was not described by the DRBC in their reports. DRBC will revisit planning agencies they dealt with (State - county - local) and attempt to matrix environmental sensitive areas for our requirements.

f. Conservation issues were not generally considered by DRBC in their report, other than what they (the DRBC) would do in case of a drought or for some other water saving reasons. DRBC said this was a State & local issue however, DRBC has implemented means in Bucks and Montgomery Counties to conserve groundwater use. I think on this issue EPA could request State (PA) to insist that building codes and local ordinances include conservation designs. DRBC would back us in dealings with Limerick EIS on conservation issues. Randy requested that DRBC be a cooperating agency to NRC in preparation of EIS.

g. EPA said they will review Merrill Creek position in the EIS once again. It was stated that Merrill Creek was the selected reservoir (of 11 sites) to provide water for all existing and new power facilities per the DRBC Power Siting Plan. Merrill is required even if Limerick is not built. In conjunction with this discussion we were reminded that the Schuylkill flow was the governing factor as to whether water is taken from the Delaware for Limerick. However, water would come from the Delaware most of the time.

h. We questioned per capita use of water in area. DRBC didn't really know why it was so high except for numerous small industries in NWA. DRBC used their consultants figures, probably residential only. They will check.

i. On blasting issue we said the DRBC will be responsible. Their consultants assured them blasting would not present a problem.

PARTICIPANTS

DRBC	EPA
H. Howlett	E. Geismar
W. Thursby	R. Pamponio
D. Everett	E. Johnson
A. Melanes	F. Thomsin

6
11.15.3

Position Paper on
Proposed Amendments to Comprehensive Plan
to Revise the Descriptions of the Tocks Island,
Francis E. Walter, Prompton, and Cannonsville Projects

Tocks Island Project

From the early 1920s until the Delaware Valley flood disaster of 1955, various plans were considered to augment the region's water supply storage by constructing a main stem dam in the vicinity of the Delaware Water Gap. Although some thought was given to incorporating a conventional hydropower facility to produce some energy, the main stem dam proposals during this early period lacked major flood control and recreation features and were not multi-purpose in today's context. A plan promoted by the Interstate Commission on the Delaware River Basin (INCODEL) to build a large main stem water supply dam at Walpack Bend, a short distance upstream of the Water Gap, fell just short of approval in the early 1950s in a close Pennsylvania Senate vote. In August of 1955, the Delaware main stem and upper tributaries were stricken by the worst flood event experienced to date following back-to-back hurricanes, Connie and Diane, less than a week apart. The death toll was 99 persons, all on tributaries, and damage exceeded \$100 million (1955 prices), more than a quarter of it on the main stem below the Water Gap. The municipalities of Belvidere, Easton, Phillipsburg, Frenchtown, New Hope, Lambertville, Yardley, Trenton, Burlington, and Bordentown were among the damage centers. As a result, Congress directed the U. S. Army Corps of Engineers to make an extensive survey of the basin's needs.

In 1960, the Corps' Report on the Comprehensive Survey of the Water Resources of the Delaware River Basin was completed and recommended a series of federal and state reservoir projects, keystone of which was the 12,000-acre multi-purpose lake behind a dam located five miles upstream of the Water Gap at Tocks Island. The lake was seen also as the central feature of a 60,000-acre National Recreation Area. In 1961, the region's four Governors, as members of the new Delaware River Basin Commission (DRBC), threw full support to the proposed Tocks Island project and other features of the Corps' report. In 1962, the Basin Commission's Comprehensive Plan for the region's water future was adopted with Tocks Island, including the National Recreation Area, its key component. DRBC action was followed by Congressional authorization of Tocks Island (but not the National Recreation Area), and seven companion reservoir projects which included the modifications to the Prompton and Francis E. Walter (then known as Bear Creek) projects. In 1963, Congress appropriated the initial funds for the Corps to begin post-authorization design of Tocks Island.

In 1965 the basin's worst drought reached its most intense level as ocean salts, moving up-river, threatened to contaminate fresh water supplies in the Philadelphia-Camden metropolitan area. In the absence of adequate storage, DRBC imposed emergency measures and enacted formulae

1/ printed as HD 522, 87th Cong. 2nd Sess.

...the sharing of available water supplies between the New York City's Upper Delaware Reservoir system and the downstream states.

In 1974, as urged by the DRBC, Congress ordered the Corps of Engineers to make a one-year comprehensive re-study of the entire Tocks Island project. This re-study concluded that technically viable water supply alternatives to the Tocks project existed, but that the relative cost, benefit, and environmental impacts of these alternatives needed to be resolved.

On July 31, 1975 the DRBC Governors, in a 3 to 1 vote, recommended that Congress not fund a Tocks Island project construction start. No position was taken on whether this project should be deauthorized, and it remains today as an authorized project.

In 1976, the U. S. Water Resources Council funded the Delaware River Basin Comprehensive (Level B) Study to review the entire Comprehensive Plan, including present and projected demands for water within the Basin, a comparison of those demands with available water supply, and the development of appropriate measures to keep the supply and demand in balance.

Late in 1978, Congress incorporated into the National Wild, Scenic and Recreational Rivers System the 38-mile Middle Delaware that is the Pennsylvania-New Jersey boundary in the Delaware Water Gap National Recreation Area (the reach of the river that would form the Tocks Island impoundment). The river was designated as scenic from Milford to Shawnee and as recreational from there to the Water Gap.

Because hydrologic and storage conditions in the Delaware River Basin changed substantially over the more than two decades after the U. S. Supreme Court Decree of 1954, late in 1978, DRBC called upon the parties to the Decree "to enter into serious good faith discussions to establish the arrangements, procedures, and criteria for management of the waters of the Delaware Basin consistent with the Compact." The drought emergency of the mid-1960s and the decision of 1975 not to proceed at that time with construction of the Tocks Island dam were major background events giving rise to the Commission action.

In 1981, the Final Report and Environmental Impact Statement of the Level B Study was completed. The report analyzed current and projected conditions on supply and demand and set forth certain proposals for modifying the Commission's Comprehensive Plan. During the study, all of the projects^{2/} that had been identified in the URS/Madigan-Praeger Tocks Island report as possible alternatives to Tocks Island were restudied, as well as a review of the projects already included in the DRBC Comprehensive Plan. The Final Level B Report offered a Preferred Plan which included those policies and physical features of the Comprehensive Plan which were found to be in need of a change.

2/ Comprehensive Study of the Tocks Island Lake Project and Alternatives - URS/Madigan - Praeger, Inc./Conklin & Rossant, - July 1975.

Under the heading of Water Storage Projects, the Level B Preferred plan provided that the environmental aspects of the Francis E. Walter project modification, the Prompton project modification, the Cannonsville project modification, the Hackettstown project and the Merrill Creek project should be thoroughly investigated and, if found acceptable, that construction of said projects should be expedited. Also, the Aquashicola, Evansburg, Newark, Tocks Island, and Trexler projects should be retained in the Comprehensive Plan for possible development after year 2000.

The "Good Faith" negotiations progressed, using information and data provided by the Level B Study, including a new, more comprehensive salinity model of the estuary that had been utilized for the Final Level B effort. The negotiators also gained valuable experience and greater insight into drought-operating capabilities during the 1980-1981 drought. The "Good Faith" negotiations concluded in February 1983 with publication of the report entitled Interstate Water Management Recommendations of the Parties to the U. S. Supreme Court Decree of 1954 to the Delaware River Basin Commission Pursuant to Commission Resolution 78-20. That document incorporates many recommendations contained in the 1981 Level B Study Report. Ten of the fourteen "Good Faith" recommendations are identical to Level B Study Report recommendations, and the other four are Level B elements slightly modified to reflect experience and information gained during the drought of 1980-1981. The five parties agreed upon enlargement by the federal government of the existing Francis E. Walter reservoir in the Lehigh valley by the end of 1990 and Prompton reservoir in the Lackawaxen valley by the end of 1995. Both are in Pennsylvania. New York City's Cannonsville reservoir in Delaware County, New York, is to be enlarged, if determined to be practicable by feasibility and environmental studies, by New York State by 1990, and a proposed power company impoundment on the site of a smaller reservoir on Merrill Creek in Warren County, New Jersey, is endorsed for completion by the end of 1986, if found environmentally feasible.

The long-planned Hackettstown reservoir on the Musconetcong River in northwestern New Jersey was eliminated from consideration after being dropped from that state's water supply master plan in 1981 due to poor subsurface conditions. The state is seeking an alternative source.

Regarding Tocks Island, Recommendation 9 in the "Good Faith" report provides: "The parties are agreed that the proposed Tocks Island project should be held in reserve status for development after the year 2000 if needed for water supply. The Commission should amend its Comprehensive Plan by adding an updated description of the Tocks Island project."

Francis E. Walter and Prompton Projects

The modifications of the Francis E. Walter and Prompton projects, existing single-purpose Corps of Engineers flood control projects, were incorporated into the DRBC Comprehensive Plan in 1962. These projects were reviewed in the Level B Study, which recommended that construction be expedited for both, if found environmentally acceptable.

Experience of recent droughts has underscored the need for increased water storage, water supply and flow augmentation capacity in the Delaware Basin. The Basin is even now in a deficit condition in terms of flow required to meet the year 2000 salinity control objective proposed in Recommendation 1 of the "Good Faith" Report, even though the proposed interim standard of 180 mg/l chlorides could be met at this point in time. New augmentation facilities are needed to provide for modest growth and achievement of the 150 ppm chloride standard by the year 2000. The conservation measures proposed in Recommendations 10, 11, and 12 of the "Good Faith" Report will be an important drought management tool and will partly offset increasing use, but will not suffice alone.

With recurrence today of a drought equal in severity to that of the 1960s, system operation of the basin's existing impoundments could maintain a flow at Trenton of about 2,900 cfs, including the effects of the proposed reduced diversions, flow objectives at Montague, and conservation recommended by the parties. Under the impact of increased depletive use, as projected in the Level B Study, that capability will drop to slightly less than 2,300 cfs by the year 2000 if no new flow augmentation of water supply sources are developed before that date.

These levels of capability contrast sharply with the estimated 2,900 cfs that will be needed to meet the stricter year 2000 salinity objective under projected conditions 17 years hence. Even with allowance for the approximations inherent in these numbers, the conclusion is inescapable that the existing water storage, water supply and flow augmentation facilities in the basin are insufficient to cope with the impact of drought by the year 2000. Measured against the year 2000 salinity objective (150 mg/l of chloride at River Mile 98) the present shortfall is about 50 cfs. However, currently (1983) the Trenton flow-capability is about 110 cfs greater than that required to meet the interim salinity objective (180 mg/l of chloride at River Mile 98). If depletive water uses increase as projected, and no new facilities are developed, this shortfall would increase to about 600 cfs by the year 2000, even with the imposition of rigorous water conservation measures. Recommendation 5 in the "Good Faith" Report provides that the Parties agree to endorse and promote modifications of Walter and Prompton projects for water supply and flow augmentation for salinity control.

The modifications to both the Walter and Prompton projects would involve converting the existing single purpose flood control projects (with incidental recreation) to multi-purpose projects for flood control, water supply, low flow augmentation for water quality control and for recreation. The existing authorized flood control storage in each project would be preserved at both projects.

Comparative data on the present and proposed modified project (preliminary) at each site are as follows:

Francis E. Walter Project

	<u>Present Project</u>	<u>Proposed Modified Project</u>
Capacities, in acre-feet		
Flood Control	108,700	108,700
Water Supply & Low Flow Aug.	0	69,500
Inactive	2,000	2,000
Elevation, Top of Pool (msl)		
Flood Control	1,450	1,481
Water Supply & Low Flow Aug.	0	1,425
Inactive	1,300	1,300

Prompton Project

	<u>Present Project</u>	<u>Proposed Modified Project</u>
Capacities, in acre-feet		
Flood Control	48,500 ^{1/}	20,300
Water Supply & Low Flow Aug.	0	30,900
Inactive	3,500	800
Elevation, Top of Pool (msl)		
Flood Control	1205.0	1205.0
Water Supply & Low Flow Aug.	0	1180.0
Inactive	1125.0	1112.0

- 1/ 20,300 acre-feet of storage for reservoir design flood (elev. 1168.1);
28,200 acre-feet of additional storage to spillway crest.

With regard to the flood control storage in the Prompton Project, the Reservoir Design Flood, which is defined by the Corps of Engineers as the maximum flood that can be completely contained by a reservoir, was determined by the Corps, and when routed through reservoir storage, required 20,300 acre-feet of flood control storage at Prompton. This amount of flood control storage then was the economically justified storage upon which the downstream flood control benefits were based. The magnitude of the Reservoir Design Flood is several times greater than any flood ever actually experienced at the site and has a return frequency of greater than 100 years. However, due to the physical features of the dam site, the dam was constructed higher than would normally be required since it proved more economical to raise the dam than to construct an expensive spillway at a lower elevation. As a result, 28,200 acre-feet of additional storage, in addition to the 20,300 acre-feet required for flood control, was provided in the Prompton project.

the Corps of Engineers, during the period from 1961 to 1968, concluded as follows:

"Additional flood control storage in Prompton Reservoir above that now authorized (20,300 acre-feet equal to 6.4 inches of runoff) for downstream protection is considered unwarranted for the following reasons:

- (1) The major damage center of Homestead is only a short distance downstream and the combined effect of the Prompton and Jadwin projects will eliminate all flood damages in this area except for very infrequent floods such as those having peak flows in excess of 100-year recurrent events.
- (2) Even if damaging flows should occur as a result of uncontrolled flow downstream of Prompton Reservoir, the releases from the reservoir could be kept to a minimum so as not to aggravate or increase the flood conditions."

These prior conclusions will, of course, be reviewed by the Corps during the forthcoming environmental and updated detailed design studies. The Corps will prepare the necessary Environmental Impact Statements for both the Francis E. Walter and Prompton projects.

The following table shows the maximum elevation of the flood control pool, the maximum amount of flood control storage used, and the percentage of the authorized flood control storage (20,300 acre-feet) used during each of the 23^{1/2} years that Prompton has been in operation. As indicated, the maximum percentage of the 20,300 acre-feet of flood control storage used in any year to date was 23.2 percent in year 1973.

1/ Prompton Reservoir, Lackawaxen River, Pa., Design Memorandum No. 11, General Design Memorandum, U.S. Army Engineers District, Philadelphia - February 1968.

3

2/ through April 16.

Cannonsville Project

4

Section 6 in the "Good Faith" Report provides that the State of New York enlarge the Cannonsville Reservoir in Delaware County, New York, if determined to be practicable by feasibility and environmental studies. Subject to the outcome of these studies, construction should be completed by 1990. The requirements of Section 1115 of the U. S. Supreme Court Decree of 1954 relating to excess releases should be waived as to the additional storage included in the Cannonsville modification project. Additional project yield should be used primarily to maintain conservation releases. Secondary purposes should be to support the Montague flow objectives and diversions to New York City within the limits of the 1954 U.S. Supreme Court Decree. Pre-construction studies of the Cannonsville modification might also lead to improved release works relative to the conservation release program.

Specifically, it is proposed to:

Amend the Comprehensive Plan as follows:

1. Delete in its entirety, the description of the Bear Creek Project (later renamed Francis E. Walter) on pages 13, 14, and 15, and insert, in lieu thereof, the description of the Francis E. Walter Project in Appendix A.
2. Delete in its entirety, the description of the Prompton Project on pages 8 and 9 and insert, in lieu thereof, the description in Appendix B.
3. Delete in its entirety, the description of the Cannonsville Reservoir contained in Addendum No. 1 to the Comprehensive Plan--Phase I, adopted July 25, 1962, and insert, in lieu thereof, the description in Appendix C.
4. Delete in its entirety, the description of the Tocks Island Project on pages 9, 10, and 11 and insert, in lieu thereof, the description in Appendix D.

These amendments shall take effect immediately.

Appendix A - Proposed Revised Comprehensive Plan Description of Francis E. Walter Project

Appendix B - Proposed Revised Comprehensive Plan Description of Prompton Project

Appendix C - Proposed Revised Comprehensive Plan Description of Cannonsville Project

Appendix D - Proposed Revised Comprehensive Plan Description of Tocks Island

These appendices are included in the attached Delaware River Basin Commission's Notice of Public Hearings of July 1, 1983.

SUGARMAN & DENWORTH

ATTORNEYS AT LAW

SUITE 1510, NORTH AMERICAN BUILDING

121 SOUTH 34TH STREET

PHILADELPHIA, PENNSYLVANIA 19107

(215) 546-0102

CERTIFIED MAIL

ROBERT J. SUGARMAN
JEANNE R. DENWORTH

MARY B. COE

STEVEN T. LOCKE

U.S. DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20545

ATTORNEY GENERAL, U.S. DEPT. OF JUSTICE
WASHINGTON, D.C. 20530

July 22, 1983

Freedom of Information Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Freedom of Information Act

Dear Sir:

Pursuant to the Freedom of Information Act, I request copies of all memoranda, analysis, and correspondence between the staff of the NRC and any other federal agency, including, without limitation, U.S. Fish & Wildlife Service, regarding the testimony of U.S. Fish and Wildlife employees before the Operating License Board and/or the U.S. District Court, regarding the Application of Philadelphia Electric Company for the Limerick generating station, Application and Docket Nos. 50-352, 50-353. This request specifically includes but is not limited to correspondence and analyses between the legal staff, including but not limited to Ann Hodgdon, Esquire, and all other agencies, created between October 1982 and June 1983.

It is anticipated that it may be contended that this material is related or comes within an exemption to FOIA relating to litigation. In response, and anticipating such response, I hereby assert that the litigation matters to which the documents may have been relevant were complete, with respect to the testimony involved, at the time the correspondence and other documents were created, and therefore do not qualify as being within the scope of such comments or documents.


In view of the urgent nature of this transaction, it is requested that the time limits of FOIA be complied with, and that a response be furnished within ten days hereof.

EXHIBIT G

July 22, 1983

Thank you for your consideration.

Sincerely,


Robert J. Sugarman

RJS/eb

cc: Ann Hodgdon, Esquire

Text of denial of temporary injunction

DANIEL J. SULLIVAN

COUNTY OF BUCKS AND ELAINE P. DUFFIN, ANNE L. WARREN and CARL F. FARRER — Individually and as Members of the Board of Commissioners of the County of Bucks and NEWMARKET WATER SUPPLY AUTHORITY

Plaintiffs and Defendants

On November 12, 1962, the Board of Commissioners of the County of Bucks and the Newmarket Water Supply Authority (NWRA) having to do with the water diversion project at Point Pleasant under and pursuant to the Municipalities and Counties Act of 1951 and the Act of 1952 (A) of that Act, Sec. 101 (A), Sec. 102 (A), Sec. 103 (A), Sec. 104 (A), Sec. 105 (A), Sec. 106 (A), Sec. 107 (A), Sec. 108 (A), Sec. 109 (A), Sec. 110 (A), Sec. 111 (A), Sec. 112 (A), Sec. 113 (A), Sec. 114 (A), Sec. 115 (A), Sec. 116 (A), Sec. 117 (A), Sec. 118 (A), Sec. 119 (A), Sec. 120 (A), Sec. 121 (A), Sec. 122 (A), Sec. 123 (A), Sec. 124 (A), Sec. 125 (A), Sec. 126 (A), Sec. 127 (A), Sec. 128 (A), Sec. 129 (A), Sec. 130 (A), Sec. 131 (A), Sec. 132 (A), Sec. 133 (A), Sec. 134 (A), Sec. 135 (A), Sec. 136 (A), Sec. 137 (A), Sec. 138 (A), Sec. 139 (A), Sec. 140 (A), Sec. 141 (A), Sec. 142 (A), Sec. 143 (A), Sec. 144 (A), Sec. 145 (A), Sec. 146 (A), Sec. 147 (A), Sec. 148 (A), Sec. 149 (A), Sec. 150 (A), Sec. 151 (A), Sec. 152 (A), Sec. 153 (A), Sec. 154 (A), Sec. 155 (A), Sec. 156 (A), Sec. 157 (A), Sec. 158 (A), Sec. 159 (A), Sec. 160 (A), Sec. 161 (A), Sec. 162 (A), Sec. 163 (A), Sec. 164 (A), Sec. 165 (A), Sec. 166 (A), Sec. 167 (A), Sec. 168 (A), Sec. 169 (A), Sec. 170 (A), Sec. 171 (A), Sec. 172 (A), Sec. 173 (A), Sec. 174 (A), Sec. 175 (A), Sec. 176 (A), Sec. 177 (A), Sec. 178 (A), Sec. 179 (A), Sec. 180 (A), Sec. 181 (A), Sec. 182 (A), Sec. 183 (A), Sec. 184 (A), Sec. 185 (A), Sec. 186 (A), Sec. 187 (A), Sec. 188 (A), Sec. 189 (A), Sec. 190 (A), Sec. 191 (A), Sec. 192 (A), Sec. 193 (A), Sec. 194 (A), Sec. 195 (A), Sec. 196 (A), Sec. 197 (A), Sec. 198 (A), Sec. 199 (A), Sec. 200 (A), Sec. 201 (A), Sec. 202 (A), Sec. 203 (A), Sec. 204 (A), Sec. 205 (A), Sec. 206 (A), Sec. 207 (A), Sec. 208 (A), Sec. 209 (A), Sec. 210 (A), Sec. 211 (A), Sec. 212 (A), Sec. 213 (A), Sec. 214 (A), Sec. 215 (A), Sec. 216 (A), Sec. 217 (A), Sec. 218 (A), Sec. 219 (A), Sec. 220 (A), Sec. 221 (A), Sec. 222 (A), Sec. 223 (A), Sec. 224 (A), Sec. 225 (A), Sec. 226 (A), Sec. 227 (A), Sec. 228 (A), Sec. 229 (A), Sec. 230 (A), Sec. 231 (A), Sec. 232 (A), Sec. 233 (A), Sec. 234 (A), Sec. 235 (A), Sec. 236 (A), Sec. 237 (A), Sec. 238 (A), Sec. 239 (A), Sec. 240 (A), Sec. 241 (A), Sec. 242 (A), Sec. 243 (A), Sec. 244 (A), Sec. 245 (A), Sec. 246 (A), Sec. 247 (A), Sec. 248 (A), Sec. 249 (A), Sec. 250 (A), Sec. 251 (A), Sec. 252 (A), Sec. 253 (A), Sec. 254 (A), Sec. 255 (A), Sec. 256 (A), Sec. 257 (A), Sec. 258 (A), Sec. 259 (A), Sec. 260 (A), Sec. 261 (A), Sec. 262 (A), Sec. 263 (A), Sec. 264 (A), Sec. 265 (A), Sec. 266 (A), Sec. 267 (A), Sec. 268 (A), Sec. 269 (A), Sec. 270 (A), Sec. 271 (A), Sec. 272 (A), Sec. 273 (A), Sec. 274 (A), Sec. 275 (A), Sec. 276 (A), Sec. 277 (A), Sec. 278 (A), Sec. 279 (A), Sec. 280 (A), Sec. 281 (A), Sec. 282 (A), Sec. 283 (A), Sec. 284 (A), Sec. 285 (A), Sec. 286 (A), Sec. 287 (A), Sec. 288 (A), Sec. 289 (A), Sec. 290 (A), Sec. 291 (A), Sec. 292 (A), Sec. 293 (A), Sec. 294 (A), Sec. 295 (A), Sec. 296 (A), Sec. 297 (A), Sec. 298 (A), Sec. 299 (A), Sec. 300 (A), Sec. 301 (A), Sec. 302 (A), Sec. 303 (A), Sec. 304 (A), Sec. 305 (A), Sec. 306 (A), Sec. 307 (A), Sec. 308 (A), Sec. 309 (A), Sec. 310 (A), Sec. 311 (A), Sec. 312 (A), Sec. 313 (A), Sec. 314 (A), Sec. 315 (A), Sec. 316 (A), Sec. 317 (A), Sec. 318 (A), Sec. 319 (A), Sec. 320 (A), Sec. 321 (A), Sec. 322 (A), Sec. 323 (A), Sec. 324 (A), Sec. 325 (A), Sec. 326 (A), Sec. 327 (A), Sec. 328 (A), Sec. 329 (A), Sec. 330 (A), Sec. 331 (A), Sec. 332 (A), Sec. 333 (A), Sec. 334 (A), Sec. 335 (A), Sec. 336 (A), Sec. 337 (A), Sec. 338 (A), Sec. 339 (A), Sec. 340 (A), Sec. 341 (A), Sec. 342 (A), Sec. 343 (A), Sec. 344 (A), Sec. 345 (A), Sec. 346 (A), Sec. 347 (A), Sec. 348 (A), Sec. 349 (A), Sec. 350 (A), Sec. 351 (A), Sec. 352 (A), Sec. 353 (A), Sec. 354 (A), Sec. 355 (A), Sec. 356 (A), Sec. 357 (A), Sec. 358 (A), Sec. 359 (A), Sec. 360 (A), Sec. 361 (A), Sec. 362 (A), Sec. 363 (A), Sec. 364 (A), Sec. 365 (A), Sec. 366 (A), Sec. 367 (A), Sec. 368 (A), Sec. 369 (A), Sec. 370 (A), Sec. 371 (A), Sec. 372 (A), Sec. 373 (A), Sec. 374 (A), Sec. 375 (A), Sec. 376 (A), Sec. 377 (A), Sec. 378 (A), Sec. 379 (A), Sec. 380 (A), Sec. 381 (A), Sec. 382 (A), Sec. 383 (A), Sec. 384 (A), Sec. 385 (A), Sec. 386 (A), Sec. 387 (A), Sec. 388 (A), Sec. 389 (A), Sec. 390 (A), Sec. 391 (A), Sec. 392 (A), Sec. 393 (A), Sec. 394 (A), Sec. 395 (A), Sec. 396 (A), Sec. 397 (A), Sec. 398 (A), Sec. 399 (A), Sec. 400 (A), Sec. 401 (A), Sec. 402 (A), Sec. 403 (A), Sec. 404 (A), Sec. 405 (A), Sec. 406 (A), Sec. 407 (A), Sec. 408 (A), Sec. 409 (A), Sec. 410 (A), Sec. 411 (A), Sec. 412 (A), Sec. 413 (A), Sec. 414 (A), Sec. 415 (A), Sec. 416 (A), Sec. 417 (A), Sec. 418 (A), Sec. 419 (A), Sec. 420 (A), Sec. 421 (A), Sec. 422 (A), Sec. 423 (A), Sec. 424 (A), Sec. 425 (A), Sec. 426 (A), Sec. 427 (A), Sec. 428 (A), Sec. 429 (A), Sec. 430 (A), Sec. 431 (A), Sec. 432 (A), Sec. 433 (A), Sec. 434 (A), Sec. 435 (A), Sec. 436 (A), Sec. 437 (A), Sec. 438 (A), Sec. 439 (A), Sec. 440 (A), Sec. 441 (A), Sec. 442 (A), Sec. 443 (A), Sec. 444 (A), Sec. 445 (A), Sec. 446 (A), Sec. 447 (A), Sec. 448 (A), Sec. 449 (A), Sec. 450 (A), Sec. 451 (A), Sec. 452 (A), Sec. 453 (A), Sec. 454 (A), Sec. 455 (A), Sec. 456 (A), Sec. 457 (A), Sec. 458 (A), Sec. 459 (A), Sec. 460 (A), Sec. 461 (A), Sec. 462 (A), Sec. 463 (A), Sec. 464 (A), Sec. 465 (A), Sec. 466 (A), Sec. 467 (A), Sec. 468 (A), Sec. 469 (A), Sec. 470 (A), Sec. 471 (A), Sec. 472 (A), Sec. 473 (A), Sec. 474 (A), Sec. 475 (A), Sec. 476 (A), Sec. 477 (A), Sec. 478 (A), Sec. 479 (A), Sec. 480 (A), Sec. 481 (A), Sec. 482 (A), Sec. 483 (A), Sec. 484 (A), Sec. 485 (A), Sec. 486 (A), Sec. 487 (A), Sec. 488 (A), Sec. 489 (A), Sec. 490 (A), Sec. 491 (A), Sec. 492 (A), Sec. 493 (A), Sec. 494 (A), Sec. 495 (A), Sec. 496 (A), Sec. 497 (A), Sec. 498 (A), Sec. 499 (A), Sec. 500 (A), Sec. 501 (A), Sec. 502 (A), Sec. 503 (A), Sec. 504 (A), Sec. 505 (A), Sec. 506 (A), Sec. 507 (A), Sec. 508 (A), Sec. 509 (A), Sec. 510 (A), Sec. 511 (A), Sec. 512 (A), Sec. 513 (A), Sec. 514 (A), Sec. 515 (A), Sec. 516 (A), Sec. 517 (A), Sec. 518 (A), Sec. 519 (A), Sec. 520 (A), Sec. 521 (A), Sec. 522 (A), Sec. 523 (A), Sec. 524 (A), Sec. 525 (A), Sec. 526 (A), Sec. 527 (A), Sec. 528 (A), Sec. 529 (A), Sec. 530 (A), Sec. 531 (A), Sec. 532 (A), Sec. 533 (A), Sec. 534 (A), Sec. 535 (A), Sec. 536 (A), Sec. 537 (A), Sec. 538 (A), Sec. 539 (A), Sec. 540 (A), Sec. 541 (A), Sec. 542 (A), Sec. 543 (A), Sec. 544 (A), Sec. 545 (A), Sec. 546 (A), Sec. 547 (A), Sec. 548 (A), Sec. 549 (A), Sec. 550 (A), Sec. 551 (A), Sec. 552 (A), Sec. 553 (A), Sec. 554 (A), Sec. 555 (A), Sec. 556 (A), Sec. 557 (A), Sec. 558 (A), Sec. 559 (A), Sec. 560 (A), Sec. 561 (A), Sec. 562 (A), Sec. 563 (A), Sec. 564 (A), Sec. 565 (A), Sec. 566 (A), Sec. 567 (A), Sec. 568 (A), Sec. 569 (A), Sec. 570 (A), Sec. 571 (A), Sec. 572 (A), Sec. 573 (A), Sec. 574 (A), Sec. 575 (A), Sec. 576 (A), Sec. 577 (A), Sec. 578 (A), Sec. 579 (A), Sec. 580 (A), Sec. 581 (A), Sec. 582 (A), Sec. 583 (A), Sec. 584 (A), Sec. 585 (A), Sec. 586 (A), Sec. 587 (A), Sec. 588 (A), Sec. 589 (A), Sec. 590 (A), Sec. 591 (A), Sec. 592 (A), Sec. 593 (A), Sec. 594 (A), Sec. 595 (A), Sec. 596 (A), Sec. 597 (A), Sec. 598 (A), Sec. 599 (A), Sec. 600 (A), Sec. 601 (A), Sec. 602 (A), Sec. 603 (A), Sec. 604 (A), Sec. 605 (A), Sec. 606 (A), Sec. 607 (A), Sec. 608 (A), Sec. 609 (A), Sec. 610 (A), Sec. 611 (A), Sec. 612 (A), Sec. 613 (A), Sec. 614 (A), Sec. 615 (A), Sec. 616 (A), Sec. 617 (A), Sec. 618 (A), Sec. 619 (A), Sec. 620 (A), Sec. 621 (A), Sec. 622 (A), Sec. 623 (A), Sec. 624 (A), Sec. 625 (A), Sec. 626 (A), Sec. 627 (A), Sec. 628 (A), Sec. 629 (A), Sec. 630 (A), Sec. 631 (A), Sec. 632 (A), Sec. 633 (A), Sec. 634 (A), Sec. 635 (A), Sec. 636 (A), Sec. 637 (A), Sec. 638 (A), Sec. 639 (A), Sec. 640 (A), Sec. 641 (A), Sec. 642 (A), Sec. 643 (A), Sec. 644 (A), Sec. 645 (A), Sec. 646 (A), Sec. 647 (A), Sec. 648 (A), Sec. 649 (A), Sec. 650 (A), Sec. 651 (A), Sec. 652 (A), Sec. 653 (A), Sec. 654 (A), Sec. 655 (A), Sec. 656 (A), Sec. 657 (A), Sec. 658 (A), Sec. 659 (A), Sec. 660 (A), Sec. 661 (A), Sec. 662 (A), Sec. 663 (A), Sec. 664 (A), Sec. 665 (A), Sec. 666 (A), Sec. 667 (A), Sec. 668 (A), Sec. 669 (A), Sec. 670 (A), Sec. 671 (A), Sec. 672 (A), Sec. 673 (A), Sec. 674 (A), Sec. 675 (A), Sec. 676 (A), Sec. 677 (A), Sec. 678 (A), Sec. 679 (A), Sec. 680 (A), Sec. 681 (A), Sec. 682 (A), Sec. 683 (A), Sec. 684 (A), Sec. 685 (A), Sec. 686 (A), Sec. 687 (A), Sec. 688 (A), Sec. 689 (A), Sec. 690 (A), Sec. 691 (A), Sec. 692 (A), Sec. 693 (A), Sec. 694 (A), Sec. 695 (A), Sec. 696 (A), Sec. 697 (A), Sec. 698 (A), Sec. 699 (A), Sec. 700 (A), Sec. 701 (A), Sec. 702 (A), Sec. 703 (A), Sec. 704 (A), Sec. 705 (A), Sec. 706 (A), Sec. 707 (A), Sec. 708 (A), Sec. 709 (A), Sec. 710 (A), Sec. 711 (A), Sec. 712 (A), Sec. 713 (A), Sec. 714 (A), Sec. 715 (A), Sec. 716 (A), Sec. 717 (A), Sec. 718 (A), Sec. 719 (A), Sec. 720 (A), Sec. 721 (A), Sec. 722 (A), Sec. 723 (A), Sec. 724 (A), Sec. 725 (A), Sec. 726 (A), Sec. 727 (A), Sec. 728 (A), Sec. 729 (A), Sec. 730 (A), Sec. 731 (A), Sec. 732 (A), Sec. 733 (A), Sec. 734 (A), Sec. 735 (A), Sec. 736 (A), Sec. 737 (A), Sec. 738 (A), Sec. 739 (A), Sec. 740 (A), Sec. 741 (A), Sec. 742 (A), Sec. 743 (A), Sec. 744 (A), Sec. 745 (A), Sec. 746 (A), Sec. 747 (A), Sec. 748 (A), Sec. 749 (A), Sec. 750 (A), Sec. 751 (A), Sec. 752 (A), Sec. 753 (A), Sec. 754 (A), Sec. 755 (A), Sec. 756 (A), Sec. 757 (A), Sec. 758 (A), Sec. 759 (A), Sec. 760 (A), Sec. 761 (A), Sec. 762 (A), Sec. 763 (A), Sec. 764 (A), Sec. 765 (A), Sec. 766 (A), Sec. 767 (A), Sec. 768 (A), Sec. 769 (A), Sec. 770 (A), Sec. 771 (A), Sec. 772 (A), Sec. 773 (A), Sec. 774 (A), Sec. 775 (A), Sec. 776 (A), Sec. 777 (A), Sec. 778 (A), Sec. 779 (A), Sec. 780 (A), Sec. 781 (A), Sec. 782 (A), Sec. 783 (A), Sec. 784 (A), Sec. 785 (A), Sec. 786 (A), Sec. 787 (A), Sec. 788 (A), Sec. 789 (A), Sec. 790 (A), Sec. 791 (A), Sec. 792 (A), Sec. 793 (A), Sec. 794 (A), Sec. 795 (A), Sec. 796 (A), Sec. 797 (A), Sec. 798 (A), Sec. 799 (A), Sec. 800 (A), Sec. 801 (A), Sec. 802 (A), Sec. 803 (A), Sec. 804 (A), Sec. 805 (A), Sec. 806 (A), Sec. 807 (A), Sec. 808 (A), Sec. 809 (A), Sec. 810 (A), Sec. 811 (A), Sec. 812 (A), Sec. 813 (A), Sec. 814 (A), Sec. 815 (A), Sec. 816 (A), Sec. 817 (A), Sec. 818 (A), Sec. 819 (A), Sec. 820 (A), Sec. 821 (A), Sec. 822 (A), Sec. 823 (A), Sec. 824 (A), Sec. 825 (A), Sec. 826 (A), Sec. 827 (A), Sec. 828 (A), Sec. 829 (A), Sec. 830 (A), Sec. 831 (A), Sec. 832 (A), Sec. 833 (A), Sec. 834 (A), Sec. 835 (A), Sec. 836 (A), Sec. 837 (A), Sec. 838 (A), Sec. 839 (A), Sec. 840 (A), Sec. 841 (A), Sec. 842 (A), Sec. 843 (A), Sec. 844 (A), Sec. 845 (A), Sec. 846 (A), Sec. 847 (A), Sec. 848 (A), Sec. 849 (A), Sec. 850 (A), Sec. 851 (A), Sec. 852 (A), Sec. 853 (A), Sec. 854 (A), Sec. 855 (A), Sec. 856 (A), Sec. 857 (A), Sec. 858 (A), Sec. 859 (A), Sec. 860 (A), Sec. 861 (A), Sec. 862 (A), Sec. 863 (A), Sec. 864 (A), Sec. 865 (A), Sec. 866 (A), Sec. 867 (A), Sec. 868 (A), Sec. 869 (A), Sec. 870 (A), Sec. 871 (A), Sec. 872 (A), Sec. 873 (A), Sec. 874 (A), Sec. 875 (A), Sec. 876 (A), Sec. 877 (A), Sec. 878 (A), Sec. 879 (A), Sec. 880 (A), Sec. 881 (A), Sec. 882 (A), Sec. 883 (A), Sec. 884 (A), Sec. 885 (A), Sec. 886 (A), Sec. 887 (A), Sec. 888 (A), Sec. 889 (A), Sec. 890 (A), Sec. 891 (A), Sec. 892 (A), Sec. 893 (A), Sec. 894 (A), Sec. 895 (A), Sec. 896 (A), Sec. 897 (A), Sec. 898 (A), Sec. 899 (A), Sec. 900 (A), Sec. 901 (A), Sec. 902 (A), Sec. 903 (A), Sec. 904 (A), Sec. 905 (A), Sec. 906 (A), Sec. 907 (A), Sec. 908 (A), Sec. 909 (A), Sec. 910 (A), Sec. 911 (A), Sec. 912 (A), Sec. 913 (A), Sec. 914 (A), Sec. 915 (A), Sec. 916 (A), Sec. 917 (A), Sec. 918 (A), Sec. 919 (A), Sec. 920 (A), Sec. 921 (A), Sec. 922 (A), Sec. 923 (A), Sec. 924 (A), Sec. 925 (A), Sec. 926 (A), Sec. 927 (A), Sec. 928 (A), Sec. 929 (A), Sec. 930 (A), Sec. 931 (A), Sec. 932 (A), Sec. 933 (A), Sec. 934 (A), Sec. 935 (A), Sec. 936 (A), Sec. 937 (A), Sec. 938 (A), Sec. 939 (A), Sec. 940 (A), Sec. 941 (A), Sec. 942 (A), Sec. 943 (A), Sec. 944 (A), Sec. 945 (A), Sec. 946 (A), Sec. 947 (A), Sec. 948 (A), Sec. 949 (A), Sec. 950 (A), Sec. 951 (A), Sec. 952 (A), Sec. 953 (A), Sec. 954 (A), Sec. 955 (A), Sec. 956 (A), Sec. 957 (A), Sec. 958 (A), Sec. 959 (A), Sec. 960 (A), Sec. 961 (A), Sec. 962 (A), Sec. 963 (A), Sec. 964 (A), Sec. 965 (A), Sec. 966 (A), Sec. 967 (A), Sec. 968 (A), Sec. 969 (A), Sec. 970 (A), Sec. 971 (A), Sec. 972 (A), Sec. 973 (A), Sec. 974 (A), Sec. 975 (A), Sec. 976 (A), Sec. 977 (A), Sec. 978 (A), Sec. 979 (A), Sec. 980 (A), Sec. 981 (A), Sec. 982 (A), Sec. 983 (A), Sec. 984 (A), Sec. 985 (A), Sec. 986 (A), Sec. 987 (A), Sec. 988 (A), Sec. 989 (A), Sec. 990 (A), Sec. 991 (A), Sec. 992 (A), Sec. 993 (A), Sec. 994 (A), Sec. 995 (A), Sec. 996 (A), Sec. 997 (A), Sec. 998 (A), Sec. 999 (A), Sec. 1000 (A).

At the hearing evidence was presented on behalf of the plaintiff as well as the Authority, FECCO and the two water companies. No evidence was presented by the County although the defendants of Commissioners Carl Farnat and Andrew Warren were made part of the record by the plaintiff. Eventually it was the position of the plaintiff that on the present state of the record the ordinance was of no effect because the County is without power to assume the project and the obligations of the Authority, that which the County purports to do would be an infringement of contractual rights under provisions of the United States and Pennsylvania Constitution against impairment of contract and further that treacherous harm would result if the County were to take over the project and its obligations.

A preliminary injunction will issue only where there is an urgent necessity to avoid injury which cannot be compensated for by damages and should never be awarded except when the rights of the plaintiff are clear. It should not issue unless greater injury will be done by refusing it than by granting it. *Herman v. Dixon*, 33 Pa. 33 (1943).

The essential prerequisites for the issuance of a preliminary injunction are: (1) that it is necessary to prevent immediate and irreparable harm which could not be compensated by damages; (2) that greater injury would result by refusing than by granting it; (3) that it properly requires the plaintiff to show that he is entitled to the relief sought as of right and not merely as a matter of grace or favor. *Id.*

Takeover ordinance upheld

(Continued from Page 1)

The court concluded that fears of "lagging damages" if the county breached contracts for the water system were not enough to justify having the court interfere with the action of another branch of government.

A judge does not have the power to strike down a statute "except for constitutional reasons, even where it believes the statute unjust," it wrote.

"We do not, at the invitation of a disgruntled taxpayer or his lawyer, possess the wisdom to strike down a statute of a legitimate branch of government."

A preliminary injunction should only be granted where injury is imminent and irreparable. *Id.*

In *Herman v. Dixon*, 33 Pa. 33 (1943), it was held that where the injury is not imminent, a preliminary injunction will not issue. *Id.*

In *Herman v. Dixon*, 33 Pa. 33 (1943), it was held that where the injury is not imminent, a preliminary injunction will not issue. *Id.*

We do not believe that the plaintiff has established the clear legal right which constitutes a prerequisite to the issuance of a preliminary injunction.

We are not convinced that the plaintiff has established the clear legal right which constitutes a prerequisite to the issuance of a preliminary injunction. *Id.*

We are not convinced that the plaintiff has established the clear legal right which constitutes a prerequisite to the issuance of a preliminary injunction. *Id.*

On this record there are several distinguishing features. To begin with, in *Herman*, it was noted that there had been no compliance with the Local Government Unit Act. *Id.*

On this record there are several distinguishing features. To begin with, in *Herman*, it was noted that there had been no compliance with the Local Government Unit Act. *Id.*

The court in *Herman* was likewise concerned with and in some extent applied Section 101 of the Act. *Id.*

The court in *Herman* was likewise concerned with and in some extent applied Section 101 of the Act. *Id.*

On the other hand, the plaintiff has established the clear legal right which constitutes a prerequisite to the issuance of a preliminary injunction. *Id.*

On the other hand, the plaintiff has established the clear legal right which constitutes a prerequisite to the issuance of a preliminary injunction. *Id.*

injunction on Pump takeover ordinance

proposed, it must first come to a public hearing and all to be held in the City of Philadelphia. Section 34 of the Charter of Philadelphia, which provides for the City Council to exercise the power of the City, requires that any ordinance proposed by the City Council be subject to a public hearing. The City Council has held a public hearing on the proposed ordinance, and the City Council has adopted the ordinance. The City Council has also adopted a resolution to request the Court to grant an injunction to prevent the City from enforcing the ordinance. The City Council has also adopted a resolution to request the Court to grant an injunction to prevent the City from enforcing the ordinance. The City Council has also adopted a resolution to request the Court to grant an injunction to prevent the City from enforcing the ordinance.

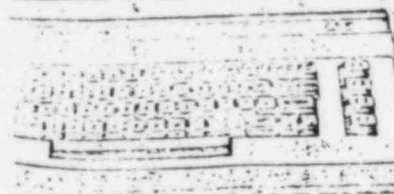
There may work, in some way, a forfeiture on the outstanding bond, that matter is far from clear in view of the City's testimony that it would be for the benefit of the City and pay off the bond. The City's testimony is not satisfied, on this record, that the implementation of the ordinance, standing alone, would show impairment of the City's bond. The City's testimony is not satisfied, on this record, that the implementation of the ordinance, standing alone, would show impairment of the City's bond. The City's testimony is not satisfied, on this record, that the implementation of the ordinance, standing alone, would show impairment of the City's bond.

Philadelphia, Pa. (AP) — The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision. The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision. The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision.

Philadelphia, Pa. (AP) — The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision. The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision. The Court has the power to strike down a statute except for constitutional reasons, even where it has no other grounds for its decision.

TOWNS 'R' US

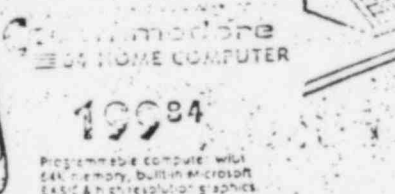
on Computers, Accessories & Software!



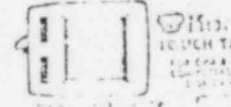



IBM PC 286

19984

Memorable computer with 640K memory, built-in Microsoft BASIC and high-resolution graphics.



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of)
)
PHILADELPHIA ELECTRIC COMPANY)
)
(Limerick Generating Station,)
Units 1 and 2)
)

Docket Nos. ⁸³ DEB-1952-11 :45
50-353

OFFICE OF THE SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing REQUEST TO SUBMIT LATE FILED CONTENTION by mailing a copy of the same to the following persons this 16th day of December, 1983.

Judge Lawrence Brenner (2)
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Judge Richard F. Cole
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Judge Peter A. Morris
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Ann P. Hodgdon, Esq.
Counsel for NRC Staff
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Philadelphia Electric Co.
ATTN: Edward G. Bauer, Jr.
Vice President &
General Counsel
2031 Market Street
Philadelphia, PA 19101

Mr. Frank R. Romano
61 Forest Avenue
Ambler, PA 19002

Mr. Robert L. Anthony
Friends of the Earth of
the Delaware Valley
106 Vernon Lane, Box 186
Moylan, PA 19065

Phyllis Zitzer, Esq.
Limerick Ecology Action
P.O. Box 761
762 Queen Street
Pottstown, PA 19464

Charles W. Elliott, Esq.
Brose and Postwistilo
1101 Building 11th &
Northampton Streets
Easton, PA 18042

Commonwealth of Pennsylvania
DER
505 Executive House
P.O. Box 2357
Harrisburg, PA 17120

Jay M. Gutierrez, Esq.
U.S. Nuclear Regulatory
Commission
Region I
631 Park Avenue
King of Prussia, PA 19406

Steven P. Hershey, Esq.
Community Legal Services, Inc.
Law Center West North
5219 Chestnut Street
Philadelphia, PA 19139

Angus Love, Esq.
101 East Main Street
Norristown, PA 19401

Mr. Joseph H. White, III
15 Ardmore Avenue
Ardmore, PA 19003

Director, Pennsylvania
Emergency Management Agency
Basement, Transportation and
Safety Building
Harrisburg, PA 17120

Mr. Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, PA 19149


Martha W. Bush, Esq.
Kathryn S. Lewis, Esq.
City of Philadelphia
Municipal Services Bldg.
15th and JFK Blvd.

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency
Management Agency
500 C Street, S.W., Rm. 840
Washington, D.C. 20472

Thomas Gerusky, Director
Bureau of Radiation
Protection
Department of Environmental
Resources
5th Floor, Fulton Bank Bldg.
Third and Locust Streets
Harrisburg, PA 17120

Troy Conner
Conner & Wetterhahn
1747 Pennsylvania Ave.
Washington, D.C. 20006

Zori G. Ferkin
Commonwealth of Pennsylvania
Governor's Energy Council
P.O. Box 8010
1625 N. Front Street
Harrisburg, PA 17105



ROBERT J. SUGARMAN
Counsel for Intervenor
Del-AWARE Unlimited, Inc.