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May 17, 1984

Nuclear Regulatory Commission  
Atomic Energy Licensing Board  
Washington, D.C. 20555  
Attn.: Judge Lawrence Brenner  
Judge Richard F. Cole  
Judge Peter A. Morris

Re: Application of Philadelphia Electric  
Company No. 50-352, 50-353OL

Dear Judges:

This is to register, on behalf of Del-AWARE Unlimited, Inc., contentions regarding that Applicants' application for low power testing operation.

Although I have been served hundreds of other documents by Applicant, I was not served a copy of the application for low power testing, and have not yet seen it. By this letter, therefore, I am requesting that the Applicant and the Commission make available to me a copy of the application.

Based on the assumption that the application does not specify any sources of supplemental cooling water other than the Point Pleasant Diversion project, Del-AWARE Unlimited submits the following contention:

Contention LP-I: The Applicant has failed to provide reasonable assurances that it will be able to operate its plan in accordance with the terms

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of the application, as amended. Whereas the application as amended shows that the applicant will provide supplemental cooling water from the so called Point Pleasant Diversion, in fact the Point Pleasant Diversion is not constructed, and cannot be constructed in timely fashion to provide supplemental cooling water for low power testing. Therefore, the plant cannot and will not operate in accordance with the license.

Basis: The factual basis of the contention is that the Point Pleasant Diversion lacks a number of permits for construction. These include certification of reasonable need by the Pennsylvania Public Utility Commission needed to overcome the zoning illegality of the proposed Bradshaw Reservoir pumphouse, a facility necessary to utilization of the Point Pleasant Diversion; approval by Pennsylvania DER of revised plans, both permanent and temporary construction measures, for constructing the Combined Transmission Main, the necessary facility between the Point Pleasant pump station and Bradshaw Reservoir; and the fact that Applicant does not own or control the land nor does any other public body necessary for construction of the transmission main between the Combined Transmission Main and Bradshaw Reservoir. The legal basis for contention is that the Commission's Rules, 2CFR §2.\_\_\_\_, Appendix A, Section VII(b)(ii) provides that the Board shall consider, at the operation license stage, whether the Applicant will operate the plant in accordance with the terms of the amended application.

In the alternative, in the event that PECO's Application provides for an alternate source of water other than Point Pleasant for lower power testing, intervenors serve the following contention:

Contention LP-1 (alternative): The Applicant has made no further arrangement, and has no formal or informal commitments from any agency for the supplemental cooling water to support low power testing, as set forth in the amended application. In these circumstances, the plant cannot be and will not be operated in accordance with the amended application.

Basis: See deposition testimony of Messrs. Vincent Boyer, Haines Dickenson, David Marano, and

John Kemper, taken in Sullivan V. Bucks County (Philadelphia Electric Company intervening plaintiffs) in March and April, 1984.

Bases for accepting late filed contentions:

(a) These contentions have been advanced repeatedly, but have been rejected as premature. Therefore, they cannot be untimely now.

(b) The applications containing the representations referred to, and dating the proposed inception in September, 1984 (see Motion filed May 10, 1984) have only just come into existence, and therefore, as a necessary predicate to the contentions, could not have been litigated earlier.

(c) No existing party is at all likely to recognize or litigate the issues asserted herein.

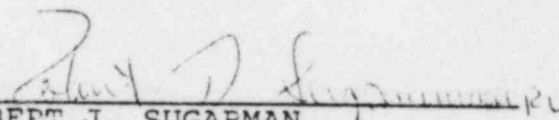
(d) Introduction of the issue will not prejudice any party by substantially broadening the issues; the issues are ones that have been in the case since 1973, and insofar as the alternative that assumes that PECO has proposed to use a different source of water than Point Pleasant to provide supplemental cooling water is concerned, the Commission staff has repeatedly stated that if and when PECO indicated its intention to use the different source of water, the Commission would

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review that proposal in the same manner as it reviewed PECO's original 1973 proposal.

Intervenor is in a uniquely qualified position to produce appropriate testimony regarding the above matter in view of its intimate involvement in all stages of supplemental cooling water issues. Intervenor will present the testimony of Bucks County and the deposition transcripts alluded to and other material evidence.

Intervenor reserves the right to modify these contentions upon receipt and review of PECO's application for low power testing.

  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY LICENSING BOARD

In the matter of )

PHILADELPHIA ELECTRIC COMPANY )

(Limerick Generating Station, )  
Units 1 and 2) )

Docket Nos. 50-352  
50-353

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing letter by mailing a copy of the same to the following persons this 16th day of May, 1984.

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

Atomic Safety and Licensing  
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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

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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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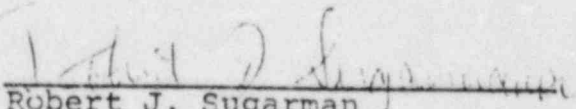
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Dated: May 16, 1984