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March 28, 1985

Mr. Harold Denton
Director
Division of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Limerick 2.206 Proceeding, Docket 50-352

Dear Mr. Denton:

As counsel to Del-AWARE Unlimited, Inc., I am writing to supplement our previous comments regarding the 2.206 proceeding which the Commission noticed in January.

I understand the Commission staff has requested and received copies of PECO's application to the DRBC for 1985 supplemental water. Del-AWARE Unlimited agrees with PECO that the proposed 1985 actions will have no adverse environmental impact, and further, will provide PECO with a more secure source of water, in that the water use would not be subject to the 3,000 cfs minimum flow cutoff which applies to Delaware River withdrawals in the absence of compensatory storage.

However, Del-AWARE Unlimited requests that the Commission determine that the proposed 1985 measures, as proposed and implemented and modified as suggested below, would be the appropriate and logical permanent long term solution to Limerick's water needs, and that indeed, the terms of PECO's application suggest that such measures may be implemented past 1985, and that the Commission should find and determine that such measures would not, as modified, adversely impact the environment.

In the alternative, since the measures have been proposed, and the Commission cannot be assured as to the date of termination of the proposed program, if the Commission cannot find that they will have no adverse environmental effect, then the Commission should conduct whatever preliminary proceedings are required in order to satisfy itself that the Limerick use of

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such measures over the long term will be permissible, and would not adversely effect the licensability of Limerick. The present consideration of these potential continuing measures is necessary in order to avoid an irretrievable commitment of resources, and in/or to prevent segmented decisionmaking, both of which are contrary to the National Environmental Policy Act.

Specifically, Del-AWARE believes that Limerick should obtain its water from the sources identified by PECO in its DRBC application, but modified by the additional availability of desilting basins, some portion of which are already owned by PECO and others of which are held but not used by the Pennsylvania Department of Environmental Resources. In addition, PECO should consider the use of an existing pipeline known as the Interstate Energy Pipeline, which could be made available in about two years. Such pipeline would take water from the Delaware River estuary below Philadelphia to Limerick. Its use could be limited to periods when the estuary water at Chester is relatively non-saline, and in that limited use, it would provide additional fresh water resources to the Schuylkill River. The same, of course, would be true of the use of the desilting basins.

Any of these measures, including those now advanced by PECO, would avoid the adverse consequences to the Delaware River in the vicinity of Point Pleasant, as well as downstream, and to the Perkiomen Creek, both of which have been documented. The downstream impacts on the Delaware River have been documented by the DRBC Level 3 study, and the impacts on the Perkiomen have been documented by the Pennsylvania PUC and the Pennsylvania Environmental Hearing Board. The decisions of the Administrative Law Judge of the PUC dated December, 1983, and the Environmental Hearing Board dated June, 1984, in this regard have both been placed before the staff previously.

In short, the PECO rationale for use of the Schuylkill River rather than the Delaware River is not only correct, but clearly pertains to years after 1985, and the environmental effects of such actions being either not existent, or beneficial, would support consideration of those alternatives. When combined with the practical likelihood of PECO continuing to depend on such measures past 1985, the use of such measures beyond 1985 must be presently considered by this Commission.

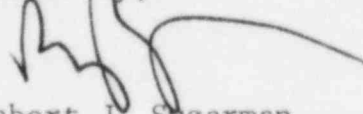
Although previously reported to this Commission, we wish to stress once again the existence of the many additional hurdles which will likely prevent implementation of Point Pleasant for several years, at least. These include the requirement of an NPDES permit, imposed by the Pennsylvania Environmental Hearing Board decision, and the sewage treatment of Delaware River water which we believe is entailed by that decision. Although Pennsylvania DER announced that all it was required was paperwork when the EHB decision was issued in June, 1984, there has been no permit issued yet. While Del-AWARE does not doubt that Pennsylvania DER may very well issue such a permit, it may not be a valid permit, if it does not provide for

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compliance with water quality standards. In addition, the riparian owners on the Perkiomen have sued to prevent the takeover of their property by PECO; this suit is pending in Bucks County Common Pleas Court. In addition, the Pennsylvania PUC Administrative Law Judge issued an initial decision that PECO should not be permitted more than one of the four pumps it requires for Limerick, to pump water into the Perkiomen. Finally, of course, Bucks County and the Neshaminy Water Resources Authority continue to oppose the construction of the project by them, and have taken appeals for this purpose to the Pennsylvania Commonwealth and Supreme Courts. In these circumstances, it is hardly reasonable to conclude that there is any likelihood of Point Pleasant being available to PECO in 1986, or any other year in the immediate future, even if all of these considerable hurdles are ever overcome by PECO. When this is combined with the factual impact of a finding by DRBC favorable to PECO's 1985 plan, it would seem that any reasonable person would conclude that there is a considerable probability of Schuylkill River solutions being permanent solutions.

The Commission is therefore urged to consider presently the permanent use by PECO of Schuylkill River solutions such as those presented to the DRBC, as well as modifications suggested herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Sugarman', with a long horizontal flourish extending to the right.

Robert J. Sugarman

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