

Re: PHILA.ELEC. CO. Limerick Gen.Sta. Units 1 & 2

DOCKET No: 50-352,353

January 17, 1986

APPEAL BY R.L. ANTHONY/FOE TO THE DIRECTOR, NRR, TO REQUIRE PHILA.ELEC. TO COMPLY WITH THE REQUIREMENTS OF LICENSE NO. NPF - 39, APPENDIX B, IN APPLYING TO DRBC.

We are in receipt of a Public Notice and a Public Hearing on 1/22/86 from the Delaware River Basin Commission in response to an application by PECO for revisions in the controls on withdrawal of water from the Schuylkill River for use at the Limerick Station (DRBC Project :D-69-210 CP (Final) Rev.5) during 1986.

This application by PECO proposes changes in the environmental conditions under which the operation of Limerick affects the Schuylkill River, its aquatic and stream valley life and the drinking water use of communities downstream. We are opposed to PECO's application for these revisions because they are requested without reference to the changes in environmental impact they will bring and are in violation, moreover, of the specific provisions of the Environmental Protection Plan which are a part of License No. NPF-39, Appendix B, as set forth below.

VIOLATIONS OF APPENDIX B PROVISIONS: PECO is not in compliance with these sections.

1.0 (1) and (3) It did not verify the revisions will assure operation in compliance with FES and NRC impact assessments, and it does not inform of the environmental effects and concerns related to water quality regulated by the NPDES permit.

2.0 Environmental concerns and resolutions have not been assured for 2.1 (1) blow-down temperature effect on stream temperature with temperature restraint removed, and (2) exceedance of constituents which degrade water quality in the initial discharge mixing beyond the criteria, because of the reduction in flow requirements.

3.1 Revision of flow restraints and temperature limits as well as the requested removal of the mg/l minimum during the period 3/1/86 to 6/15/86 constitute "operational activities which may significantly affect the environment". PECO has not prepared an environmental evaluation as required. This section of the Appendix also specifies a written evaluation and NRC approval prior to the application in the case of "an unreviewed environmental question" such as involved here. Since the change in limits for the river "may result in a significant increase in (any) adverse environmental impacts...in the FES-OL" for the river life and the downstream users, and the quality standards are to be changed, these are matters "not previously reviewed and evaluated." Such activity involves changes in the EPP and "may be implemented only in accordance with an appropriate license amendment." PECO is not in compliance because it has not applied for or received a license amendment. Furthermore, PECO has not complied with the last paragraph of 3.1.

5.3 In submitting its application to DRBC, PECO is in violation of this section. PECO has failed to request changes in the EPP to cover the revisions applied for, and it has not sought or gained NRC "approval of the proposed changes in the form of a license amendment." PECO is in violation of this section in proceeding to implement the changes by applying to DRBC without receiving a license amendment.

We call upon the Director to implement his statement of policy in DD-85-8 21 NRC 1561 (1985), i.e. "should the activity involve an unreviewed environmental question, the Licensee must obtain prior NRC approval". The Director also aptly points out that "the requirements of the EPP are triggered at the time of the Licensee proposed action." (DD-85-8)

RELIEF. We petition the Director to find that PECO is in violation of the conditions of License NPF-39 in its application to DRBC, and, therefore, to stay the operation of the Limerick reactor immediately and suspend the license until PECO is in complete compliance with the license in any proposal to revise the water controls.

cc: NRC Commis., Docketing, ASLAE, DRBC, PECO
F. Romano, LEA, Others on Serv. List.

Respectfully submitted,
Robert L. Anthony
Box 186 Moylan, Pa. 1906

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FOR ADOCK 05000352
PDR

YES.

Ms. Susan Weisman, Secretary
Delaware River Basin Commission
Box 7360 West Trenton, N.J. 08628

Box 186 Moylan, Pa 19065
January 17, 1986

Dear Ms. Weisman,

I am responding to the Commission's notices of 1/6 and 1/7/86 on behalf of myself and Friends of the Earth in the Delaware Valley in opposition to the application of Philadelphia Electric Company to revise the controls on the use of Schuylkill River water at the Limerick nuclear plant, D-69-210 CP (Final) Revision 5.

We went on record last spring and fall against the substitution of dissolved oxygen controls for the 59°F temperature limitation and against lowering the flow limits and using the water allotments of other plants on the river. We still oppose these revisions in themselves as environmentally dangerous but we also remind the Commission again that the agreement originally worked out with PECO was based on their free acceptance of the river follower principle. It appears to us to be a breach of good faith and even a breach of contract that PECO now deliberately renounces this basic principle. Since PECO has developed the habit of applying for exceptions to the principle whenever there is low flow on the Schuylkill, it appears that PECO's requests to the Commission of 1985 and 1986 will be continued each year, perhaps for the life of the Limerick plant. We urge the Commission to deny PECO's present application. If the Commission does not refuse, the integrity of its contracts will become suspect and the impression will be established in the basin area that the Commission's contracts can be manipulated at the will of companies like PECO which can bring potent financial and political pressure to bear on DRBC. Needless to say we are convinced that the public interest will be overridden if DRBC succumbs to this kind of one sided pressure.

We are enclosing a copy of our letter to DRBC dated 3/28/85 and a copy of our appeal to NRC dated 1/17/86. The points in the former are still valid and represent our current position. We hope the Commission will give adequate weight to these points. The appeal to NRC will notify DRBC that we believe PECO is violating the conditions of its operating license for Limerick by applying for the revisions. We believe NRC will grant the validity of our move to have the public protected by the enforcement of the license requirements, and proceed to suspend the license for Limerick until PECO is in compliance.

Cc: NRC, PECO
Gov. Thornburg, Penna.
Gov. Kane, New Jersey
Congressmen R. Edgar and P. Kostmeyer
U.S. Secretary of the Interior

Respectfully yours,

Robert L. Anthony
Robert L. Anthony

Ms. Susan Weisman, Secretary
Delaware River Basin Commission
Box 7360 West Trenton, N.J. 08628

Box 186 Moylan, Pa. 19065
March 28, 1985

Dear Ms. Weisman,

As an intervenor in the NRC licensing proceedings for Philadelphia Electric Company's Limerick Nuclear plant, we have been representing citizen health and safety interests under the name of Robert L. Anthony/ Friends of the Earth in the Delaware Valley. We recently were provided with a copy of PECO's application, dated 3/15/85, seeking DRBC's authorization to change the standards for the Schuylkill River and to provide cooling water by releases from the Blue Marsh reservoir. We wish to inform DRBC of our vital interest in this application and to request that we be admitted as parties and included in written presentations and afforded the opportunity to testify before the Commission.

We ask that DRBC provide us time to make a thorough study of the impacts of the authorizations requested by PECO and to submit our evidence against any change in the present regulations governing the Schuylkill River before any final consideration by the Commission.

At the moment we summarize our opposition to PECO's application under the following headings:

1. DRBC set its standards for the Schuylkill after careful study and these should not be changed, even temporarily, without a new environmental impact study.

2. A temporary permit could certainly lead to a longer term one, since there is uncertainty over the status of the Pt. Pleasant diversion and continuing litigation.

3. The City of Phila. has offered to sell water to PECO. The possibility of accelerating this connection could provide a temporary, and a permanent, solution of the supplemental water supply.

4. If DRBC decided that using its water reserves for Limerick cooling was a proper use of area water, it only arrived at this conclusion on the basis of combining water from the Delaware with the Schuylkill. Providing water from the Schuylkill alone, the Commission wisely never authorized and this decision should not be modified in any way.

5. PECO has not demonstrated that it has explored alternatives, such as water from the City of Phila. (See PECO Attachment 2.)

6. Other users will be endangered as PECO intimates in Attach. 2 (1) in stating that consumptive use will make the Schuylkill "largely unavailable for such (PECO) withdrawals during the period June to October, 1985." DRBC made the water unavailable to protect water resources on a sound basis.

7. Nothing has changed to modify DER Secretary R.A. Luksa's position quoted in Attach. 2 (3), "Green Lane is not large enough to meet the combined needs of PSW Co. and Limerick."

8. Measuring dissolved oxygen levels is not a substitute for the 59° temperature constraint. Higher temperatures impact the biological life of the river.

9. A dissolved oxygen restraint should be added to the Schuylkill standards, not substituted for the 59° limitation.

10. The current rainfall shortage could progress into a drought. This reinforces the need to conserve water resources and not to modify the present restrictions.

11. We oppose PECO's application as it would degrade the Schuylkill and imperil essential water reserves.

Cc: NRC- ASLB Judges, Staff, Docketing -
PECO, PEMA, FEMA, Angus Love, Others on Limerick Serv.

Respectfully submitted,
Robert L. Anthony



GERALD M. HANSLER
EXECUTIVE DIRECTOR

DELAWARE RIVER BASIN COMMISSION
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WEST TRENTON, NEW JERSEY 08628
609 883-9500

HEADQUARTERS LOCATION
25 STATE POLICE DRIVE
WEST TRENTON, N. J.

NOTICE OF COMMISSION MEETING

AND PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 22, 1986 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:30 a.m. at the same location.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. Philadelphia Electric Company D-69-210 CP (Final) Revision 5. An application by the Philadelphia Electric Company (PECO) to temporarily, during 1986, revise portions of the Limerick Electric Generating Project as included in the Comprehensive Plan and to approve the temporary changes under Section 3.8 of the Compact. The proposed revisions consist of (1) a substitution of dissolved oxygen controls (average of 5.1 mg/l and instantaneous of 4.2 mg/l) in lieu of the existing 59°F temperature limitation to determine the availability of Schuylkill River water and (2) a transfer of the current consumptive use of water at existing operating generating stations to new consumptive use at the Limerick Generating Station. The approval of the transfer is requested for such periods during 1986 when flow or dissolved oxygen constraints would otherwise prevent the withdrawal of water for consumptive use of Limerick Unit I. The application requests that 3.5 million gallons per day (mgd) be transferred from Titus Generating Stations Units 1, 2 and 3 and 1.7 mgd from the Cromby Generating Station Unit No. 2 to allow the consumptive use of 5.2 mgd at Limerick Generating Station. Similar revisions were previously approved by DRBC in the fall of 1985 for a temporary period ending December 31, 1985. However, the applicant (PECO) has requested that the DRBC-imposed requirement of 7.0 mg/l minimum of dissolved oxygen during the period March 1 to June 15 not be a condition of approval for 1986. The Limerick Electric Generating Project is located in Limerick Township, Montgomery County, Pennsylvania.
2. Getty Pipeline Inc. D-79-37 (Revised). Approval is sought for various revisions in the design, construction, and operation of the 23-mile long, 16-inch diameter, petroleum products pipeline that was installed between Getty Oil Refinery, Delaware City, New Castle County, Delaware and the Sun Pipeline Twin Oaks Pump Station in Marcus Hook, Delaware County, Pennsylvania. The principal changes involve: testing pressures; distances between the pipeline and other buried lines; methods used to protect the pipeline when installed beneath stream beds; and the final cost of the project. Changes were made to conform with the requirements and guidelines of the U. S. Department of Transportation.