

Judge C.H. Kohl
Judge G.J. Edles
Dr. R.L. Gotchy

APR 29 1985
USNRC

PETITION TO ALAB BY R.L. ANTHONY/FOE TO ORDER PECO TO MAKE AN ENVIRONMENTAL STUDY OF THE PROPOSED CHANGES IN THE DELAWARE RIVER BASIN COMPACT AND TO ISSUE A STAY.

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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On 3/19/85 PECO forwarded to the Board a copy of its 3/15/85 application to the Delaware Basin Commission to remove the temperature limits on withdrawals from the Schuylkill River and to increase releases from the Blue Marsh Reservoir to augment the flow in the river.

We are opposed to these changes in the River Basin Compact as set forth below, and we ask the Board to order PECO to withdraw this application until an environmental impact study of the consequences of the changes has been completed and approved by NRC and an opportunity has been provided to intervenors to present evidence on these impacts. We further petition the Board to issue an immediate stay on any further pursuit by PECO of this application or its implementation.

We point out that this application is in violation of the requirements of Appendix A of NRC License NPF-27 issued to PECO on 10/26/84:

3.1 ... Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity.

5.3 Changes in Environmental Protection Plan.

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

PECO's environmental considerations included in the application are superficial and insufficient, as are those in the Amendment No. 1 dated 4/23/85. They do not in any way fulfill the requirement for an environmental impact study or a license amendment incorporating revisions to the EPP as specified in para. 5.3. A thorough study of the effects on river biological life and downstream users is required.

We note also the Board's statement of 9/26/84 (ALAB - 785, p. 60) "The Board correctly noted that the Blue Marsh Reservoir is not now a real alternative for supplementing the Schuylkill River water for Limerick." PECO's plan to withdraw Blue Marsh water is in contradiction to this.

We enclose our summary in opposition to the application sent to DRBC 3/28/85 which adds further points supporting an order by the Board and an immediate stay.

cc: NRC ASLB, Staff Counsel, Docketing,
PECO, DRBC, R. Sugarman, others on Serv. List

Respectfully submitted,
Robert L. Anthony
Box 186 Moylan, Pa. 19067

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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, FEMA, FEMA, Angus Love, Others on Limerick Serv.

Respectfully submitted,

Robert L. Anthony