



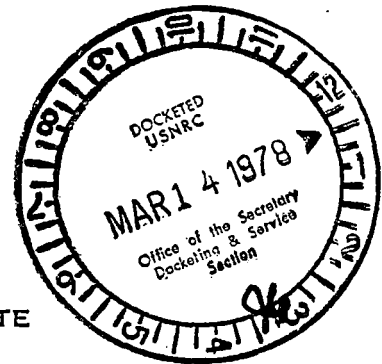
State of New Jersey

DEPARTMENT OF THE PUBLIC ADVOCATE
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March 10, 1978

3/10/78

Dr. Edson Case
Director of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. George Lear, Chief
Operating Reactors Branch #3
Division of Operating Reactors
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In re: Salem Nuclear Generating Station,
Unit No. 1 (Public Service Electric &
Gas Co.), (proposed issuance of amendment
to facility Operating License),
Docket No. 50-272

Dear Dr. Case and Mr. Lear:

The Nuclear Regulatory Commission ("NRC") announced in the Federal Register on February 8, 1978, that it is considering issuance of an amendment to the Salem Operating License ("OL") which would permit the operator, Public Service Electric and Gas Company ("PSE&G") to increase the capacity for on-site spent fuel storage from 264 to 1170 fuel assemblies. 43 F.R. 5443. The period for storage would also be lengthened from the present 1 year to 15 years, or until 1993. The final date for the filing of petitions to intervene was listed as March 10, 1978.

Since the publication of notice, however, the NRC has

Acknowledged by card 3/16/78

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announced that it will conduct an informal "public information meeting" in Salem, New Jersey, in the vicinity of the facility, on March 15, 1978. The purpose of the meeting, according to representatives of the NRC's Office of Congressional Liason, is to acquaint the public with the applicant's petition and the proposed NRC response. More importantly, the meeting will provide the first opportunity for interested residents to question the NRC on the factual and policy matters underlying the PSE&G application.

Obviously, the public can expect to discover a great deal about the possible impact of the proposed action on their lives at this meeting. While the Public Advocate endorses this example of public awareness, we are concerned with the implication of its timing. Since the meeting will occur five (5) days after the tolling of the time for submitting petitions to intervene, the public is placed in a difficult position. Either concerned citizens must file petitions on a matter of great technical and legal complexity without the benefit of a public encounter with agency representatives, or they must forego intervention in hopes that the meeting will answer their questions and satisfy their interests. If the meeting does not meet their needs, they will be faced with the prospect of filing late petitions which, under the rules of the Commission, are unacceptable unless "good cause" is shown. 10 C.F.R. 2.714(a)(1) to (4).

Since individual citizens are likely to be without counsel at this stage, meeting this burden is potentially beyond their means. Certainly, it will require, at a minimum, substantial effort on their part, together

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with time and cost to the Commission, any duly appointed Atomic Safety and Licensing Board, the Office of the Executive Legal Director, as well as counsel to the utility, who will have to respond. In short, the Commission can avoid a waste of effort and resources by extending the period allowed for intervention.

Moreover, since there are no fuel assemblies anticipated for unloading before "the first quarter of 1979,"* there would be no apparent prejudice to the utility if the time for filing petitions is reasonably extended beyond March 15th. In our view, the Commission should authorize an extension of not less than twenty-one (21) days after the March 15th meeting or until April 5, 1978 for the filing of timely petitions. This will save the Commission, the utility and members of the public considerable time and expense. It can only lead to the filing of more artful petitions by those still interested after March 15, 1978, and could well result in some citizens not filing or withdrawing petitions if their concerns are satisfied at the meeting. In short, an extension to April 5, 1978 will serve the public interest, while a decision to hold inflexibly to the March 10, 1978 deadline will only lead to confusion, expense and a loss of faith with the public.

Accordingly, the Public Advocate respectfully requests an

*See letter of November 18, 1977, Mr. Frank P. Librizzi to Mr. George Lear, Chief, Operating Reactors Branch #3, Division of Operating Reactors

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extension of time for the filing of petitions to intervene and request a public hearing. All those who had filed previously should be permitted to amend their petitions unilaterally within the same time.

Very truly yours,

STANLEY C. VAN NESS
PUBLIC ADVOCATE

By:


R. WILLIAM POTTER
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RWP/db

cc: Secretary of the Commission
Executive Legal Director
Barry Smith, Esquire
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Isabel Sayen

Honorable Martin A. Herman
Honorable William J. Hughes
Honorable James J. Florio

Honorable Rocco D. Ricci
Honorable Joel Jacobson

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