

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	:	
PUBLIC SERVICE ELECTRIC	:	Docket No. 50-272
& GAS COMPANY	:	(Proposed Issuance of
(Salem Nuclear Generating	:	Amendment to Facility
Station, Unit #1)	:	Operating License No. DPR-70)
	:	

INTERESTED STATE OF DELAWARE'S ANSWER TO
LICENSEE'S MOTION FOR SUMMARY JUDGMENT

Pursuant to 10 CFR §2.749 Interested State of Delaware answers and opposes Licensee's Motion for Summary Disposition.

1. Licensee has not carried its burden of proof as to Colemans' Contention 9 and LACT Contention 1 in consideration of alternatives. In particular, the attached affidavits set forth increased costs of substituted power with no documentation and no evaluation of the alternative of lowered energy consumption. Resolution of this contention would benefit from an evidentiary hearing.

2. Licensee's Motion as to LACT Contention 3 is unconvincing in its language attempting to convey that the increased storage capacity will not be used to store fuel from other facilities. Delaware recognizes that this proceeding may not grant permission for such storage, but believes that the assurances of impracticality of such storage are an inadequate substitute for a full evidentiary hearing on the subject of increased risk from transported materials into the storage pool.

3. Delaware believes that the concerns and interests of its citizens would be benefitted from a full evidentiary airing of the subject matter of Colemans Contention 13. The cumulative effect of an additional source of radioactivity in an area that already contains several nuclear facilities has aroused concerns that need to be addressed in a fuller fashion than is afforded by the Summary Disposition procedure.

4. Delaware neither supports nor opposes the Motion as to Colemans' Contentions 2 and 6.

STATEMENT OF MATERIAL FACTS AS TO WHICH
THERE ARE GENUINE ISSUES TO BE HEARD

1. There are alternatives that have not been adequately considered.

2. Utilization of the increased capacity for storage from other facilities is not precluded and the effects are in dispute.

Respectfully submitted,


June D. MacArtor
Deputy Attorney General

March 20, 1979

STATE OF DELAWARE)

) S.S.

COUNTY OF KENT)

I hereby certify that Harry Otto, personally appeared before me this 21st day of March, 1979, and being on his oath duly sworn, did depose and say that the matters and things set forth in the foregoing Answer to Motion for Summary Judgment and Statement of Material Facts at Issue are true and correct to the best of his information, knowledge and belief, and not interposed for delay.

Harry W. Otto
Harry Otto
Manager, Technical Services
Division of Environmental Control
Department of Natural Resources
and Environmental Control of
The State of Delaware

SWORN to and subscribed before me the day and year
above written.

Jean P Brown
Notary Public

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of :
PUBLIC SERVICE ELECTRIC : Docket No. 50-272
& GAS COMPANY : (Proposed Issuance of Amendment
(Salem Nuclear Generating : to Facility Operating License
Station, Unit #1) : No. DPR-70)
:

CERTIFICATE OF SERVICE

I hereby certify that copies of Interested State of Delaware's
Answer to Licensee's Motion for Summary Judgment have been served upon the
following by deposit in the U. S. Mail this 21st day of March, 1979:

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