



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL

EDWARD TATNALL BUILDING  
P.O. BOX 1401  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

PHONE: (302) 678-4403

May 17, 1978

The Honorable Samuel J. Chilk, Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: Proposed Issuance of Amendment to Facility  
Operating License Number DPR-70/Docket 50-272

Dear Mr. Chilk:

We hereby submit a petition for leave to intervene on behalf of the State of Delaware ex rel Delaware Department of Natural Resources and Environmental Control in the matter concerning the proposed issuance of an Amendment to the Facility Operating License Number DPR-70 (Docket 50-272). The fact that an amendment to increase the nuclear waste storage facility capacity at the Nuclear Generating Station located along the Delaware River near Salem in New Jersey was brought to our attention earlier last week. Since a breakdown in communication has resulted in our being made aware of the proposed action belatedly, we trust that your staff will honor our late request to participate in the capacity of an Intervenor as an Interested State with the right to examine and cross-examine witnesses regarding matters at issue in the proceedings.

I have enclosed twenty copies of My Petition for Leave to Intervene and request that it be granted.

Sincerely,

*Harry W. Otto*

Harry W. Otto, Ph.D.  
Manager

Technical Services Section

HWO:jb  
enc.

cc: Hon. Austin P. Olney, Secretary  
Delaware Department of Natural Resources  
and Environmental Control

Executive Legal Director  
U.S. Nuclear Regulatory Commission

Troy B. Conner, Jr., Esq.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC SERVICE ELECTRIC  
AND GAS COMPANY

Proposed Issuance of  
Amendment to Facility  
Operating License  
Number DPR-70

Docket No. 50-272

Petitioner: State of Delaware ex rel:  
Delaware Department of Natural Resources  
and Environmental Control  
Tatnall Building, P.O. Box 1401  
Dover, Delaware 19901

Counsel: June D. MacArtor  
Deputy Attorney General  
Tatnall Building, P.O. Box 1401  
Dover, Delaware 19901

PETITION FOR LEAVE TO INTERVENE AS AN INTERESTED STATE

1. Petitioner is the State of Delaware ex rel Delaware Department of Natural Resources and Environmental Control and applies for leave to intervene pursuant to 42 USCS §2021 and 10 CFR 2.715(c).

2. Petitioner has been delegated the authority and is charged with the responsibility of protecting, preserving, and enhancing the environmental resources of the State of Delaware under State law. Petitioner is a contiguous State to the location of the subject facility.

3. Petitioner recently learned that this application is before the Commission. Since no proceedings have taken place in this matter, Petitioner asserts that no prejudice to any party will result from granting this Petition.

4. With respect to the above captioned matter, Petitioner has concerns regarding the possible impact on the environmental resources in Delaware of the proposed location of additional radioactive waste storage facilities along the Delaware River near Salem, New Jersey.

5. Petitioner asserts that the valid interests herein stated would be adversely affected by the results of the proceedings if Petitioner is not afforded the opportunity to present its concerns and participate fully in the conduct of the hearing, including the right to examine and cross-examine witnesses with respect to their contentions related to matters at issue in the proceedings.

6. Petitioner asserts that it represents significant personal and proprietary rights of citizens of the State of Delaware with respect to environmental matters, and that such rights could be adversely affected by an order entered in the proceeding.

WHEREFORE, the State of Delaware ex rel Delaware Department of Natural Resources and Environmental Control requests this Petition be granted.

Respectfully submitted,

*June D. MacArtor*  
June D. MacArtor  
Deputy Attorney General  
Tatnall Building, P.O. Box 1401  
Dover, Delaware 19901

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

Date: May 17, 1978

SUPPORTING AFFIDAVIT

STATE OF DELAWARE)  
                                  ) ss.  
COUNTY OF KENT         )

BE IT REMEMBERED, that on this *17<sup>th</sup>* day of May, A.D. 1978, personally appeared before me, the subscriber, a Notary Public for the State and County aforesaid, H. W. Otto, who being by me duly sworn according to law, deposes and says as follows:

I am the Manager of Technical Services for the Division of Environmental Control of the Department of Natural Resources and Environmental Control of the State of Delaware. The State of Delaware is an interested State by virtue of being contiguous to the facility and wishes to participate in all proceedings in this matter as an interested State concerned with potential impacts on its citizens.

That the assertions, concerns and facts set forth in the above Peition for Leave to Intervene are true and correct to the best of my knowledge, information and belief, and that the above Petition for Leave to Intervene is submitted in good faith by the State of Delaware ex rel Delaware Department of Natural Resources and Environmental Control.

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

SWORN TO AND SUBSCRIBED before me the day and year aforesaid,  
as witness my hand and seal of office.

Jean P. Brown  
Notary Public