

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of	:	
PUBLIC SERVICE ELECTRIC &	:	Docket No. 50-311
GAS COMPANY	:	Proposed Issuance
	:	of Operating
(Salem Nuclear Generating	:	License CPPR-53
Station, Unit No. 2)	:	

PETITION SEEKING ISSUANCE OF AN ORDER TO SHOW CAUSE
REQUEST TO STAY LICENSING

Alfred C. Coleman, Jr. and Eleanor G. Coleman (husband and wife) hereby petition the Nuclear Regulatory Commission seeking Issuance of an Order to Show Cause and Request a Stay of Licensing of Salem Nuclear Generating Station Unit No. 2, without counsel (pro-se).

The authority for this request is granted by the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10 Code of Federal Regulations, Part 2.202 Order to Show Cause and Part 2.206 Request for Action.

Primary cause for this belated request is the fact that substantive information, in our opinion conclusive evidence, has just come to our attention in the Local Public Document Room. All documents retained in the NRC Public Document Room in Washington, D. C. are not necessarily forwarded to the Salem

1015 113

130
7909260000
G

City Library (LPDR) and are not readily available to the general public. Those documents forwarded to our LPDR are not necessarily timely because of backlog in the NRC file room. Therefore, we are not privileged to hearing transcripts, affidavits, annual reports, rate hearings, and similar documents because many are costly and the majority of the public are not even aware some of these documents are available, eventually, at the library. If Salem was not a designated Public Document Room, we would never have seen the transcript on the Hearing held on June 14, 1979 in Washington before the Nuclear Regulatory Commission regarding licensing Salem Unit No. 2. This document was received in the library within the last two or three weeks. Research of additional documents available in the LPDR has taken considerable time. A partial listing of reference documents are attached.

Additionally, we have been involved as intervenors in Docket No. 50-272 Proposed Issuance of Amendment to Facility Operating License No. DPR-70, proposed expansion of spent fuel pool at Salem Unit No. 1 and intervenors in Docket No. 786-253 Atlantic Electric Company Phase II Rate Increase Request.

Our particular concern of relevance in this proceeding is NEED, ECONOMICS (cost/benefit analysis), and potential health, safety and environmental problems associated with storage and possible release of radioactive waste products contained in spent fuel rods stored at a multi-nuclear complex.

It is our belief that there is no other means of bringing these matters to the Commission's attention for investigation.

The licensee has made its case and alleged justification for licensing Salem Unit No. 2 and, therefore, the record and filed documents should stand on their own merits for the Licensee and for the sake of this petition precludes the taking of additional testimony and affidavits from the licensee.

CONTENTIONS

1. The Nuclear Regulatory Commission has failed to act on information already known to it regarding projected needs for the PJM Grid. The actual assumptions used, calculations performed and results obtained to justify licensing Salem Unit No. 2 are ambiguous and inadequate.

2. The Nuclear Regulatory Commission has failed to act on information already known to it regarding projected plant capacity, maintenance, and operating costs for similar facilities (cost/benefit analysis).

3. The Nuclear Regulatory Commission has failed to act on information already known to it regarding unresolved safety issues. "Public safety is the first, last and a permanent consideration in any decision on the issuance of a construction permit or a license to operate a nuclear facility." Power Reactor Development Corp. v. International Union of Electrical Radio and Machine Workers, 367 U.S. 396, 402, 81 S. Ct 1529, 1532 (1961).

4. The NRC has failed to consider the outstanding adjudicatory hearing on Salem Unit No. 1 with regard to expansion of the spent fuel pool, as it pertains to expansion at Salem Unit No. 2 located at a multi-nuclear complex.

5. The Nuclear Regulatory Commission has failed to require an "independent" and separate "fire protection" water backup system for Salem Unit No. 2.

6. The recommendations from the NRC Task Force contains 23 recommendations for administrative and design changes to Salem Unit No. 2, proposed requirements arising from "lessons-learned" study of accident at TMI. These should be completed prior to licensing and commercial start-up as well as additional corrective action on potential defects.

7. The NRC has failed to consider the "menu for disaster" track record of Salem Unit No. 1 as it relates to known shutdowns and power reductions (forced) for the following reasons;

- A. Equipment Failure
- B. Maintenance or Test
- C. Refueling
- D. Regulatory Restriction
- E. Operator Training and License Examination
- F. Administrative
- G. Operational Error
- H. Other

as it affects the performance of Salem Unit No. 2. Additionally the NRC has failed to recommend changes to Salem Unit No. 2 as a result of "Lessons Learned" at Salem Unit No. 1 mentioned operating status and "Reportable Occurrences" as filed in License Event Reports (LER's) since fuel loading 1976 to date. This corrective action as a result of "Lessons Learned" from Salem Unit No. 1 should be completed prior to licensing and commercial startup of Salem Unit No. 2.

RELIEF REQUESTED

The Licensee should be notified as follows:

1. They should be required to suspend testing operations.
2. They should be required to postpone operations for 3-5 years, at which time a license application will be reviewed by the Commission.

This request for adjudicatory hearing is to be limited to known facts in the NRC's possession and related to the issues raised. Our intent is to prove to the Commission there is cause for reasonable doubt as to the immediate need for generating capacity from Salem Unit No. 2 and reasonable cause for delay to backfit, retrofit or upgrade to current technology and mechanical soundness, without any detrimental effects to the ratepayers or the PJM Grid electric generation needs.

We respectfully request the Commission admit us as intervenors, direct that evidence be taken on the above contentions and hold a public hearing in the County of Salem, New Jersey, City of Salem.

Dated: August 2, 1979

Alfred C. Coleman Jr.
Alfred C. Coleman, Jr.

Eleanor G. Coleman
Eleanor G. Coleman

Sworn and Subscribed to before
me this second day of Aug, 1979

Jean A. McDonough-5-

JEAN A. McDONOUGH
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 20, 1981

1015 117

PARTIAL LISTING OF RESOURCE DOCUMENTS

1. "Discussion of Power Needs of Pennsylvania-New Jersey-Maryland NRC Public Hearing, June 14, 1979, pages 1-23 (2:45 p.m.) and pages 1-38 (3:15 p.m.).

2. Transcript 226th General Meeting Advisory Committee on Reactor Safeguards, February 8, 1979, pages 1-128.

3. Monthly Operating Reports Starting with August, 1976 to date, submitted monthly by Licensee.

4. Monthly NUREG-0020 Operating Units Status Report.

5. Licensee's correspondents, February 13, 1979, R.L. Mittl to Mr. Olan D. Parr; May 4, 1979 R.L. Mittl to Mr. Olan D. Parr

6. Annual Reports for current and past years for PSE&G, PE, DP&L and AEC.

7. Stock Prospectus for PSE&G, PE, DP&L and AEC.

8. Rate Cases for PSE&G, PE, DP&L and AEC.

9. Final Environmental Impact Statements

A. Salem Units No. 1 and No. 2

B. Hope Creek Units No. 1 and No. 2

C. Draft Oyster Creek

D. Forked River

10. Olan D. Parr's letter, April 19, 1978 and October, 1978. PSE&G answer, Subject Request for Additional Financial Information Concerning Salem Unit No. 2.

11. Olan D. Parr's letter, April 23, 1979 to PSE&G. Subject Steam Generator Channelhead Cracking.

12. Fire Protection: Reportable Occurrence 79-27/OIT
Occurrence date 3-25-79, Report 4-9-79. Correspondence PSE&G dated 4-9-79 to Mr. Boyce H. Grier, also 4-19-79 and 6-1-79.