

STATEMENT IN SUPPORT OF MOTION

By letter dated June 6, 1979, Intervenor, Coleman, requested that the licensee supplement its answers to certain interrogatories dealing with safety and refueling cycle at the Salem One Nuclear Generating Station. (Copy of letter attached hereto as Exhibit A). This request for supplementation was precipitated by media reports of unanticipated damage to fuel assembly support straps being discovered during the recent refueling outage at the Salem plant.

During a telephone conversation with Mr. Wetterhahn, Counsel for Public Service on June 25, 1979, I was informed that no further information would be forthcoming in response to Intervenor's request beyond the statement in his June 19, 1979 letter to the Board, found at page two, that:

"it does not appear at this time that these two problems will increase the number of spent fuel elements to be stored in the spent fuel pool nor will the present refueling outage be significantly lengthened."
June 19, 1979 letter; p.2.

Of course, the conclusion of counsel for licensee pertaining to the significance of the period of this first refueling outage at Salem One is subject to differing interpretations by the Board and other disinterested parties. Moreover, the tendency for pieces of sharp metal to disengage from the fuel assembly support straps may constitute a significant hazard to the fuel pool environment, including the boron shields used to prevent the stored fuel from becoming critical. While this risk may be minimal, it cannot and should not be either ignored, overlooked or examined by only one litigant during the pendency of an adjudicatory proceeding. Yet, this latter issue is not even addressed by Mr. Wetterhahn's missive of June 19, 1979.

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It would appear, therefore, that the parties to the within proceeding before the Nuclear Regulatory Commission are entitled to examine the objective facts pertaining to the issues in controversy and submit appropriate evidence and arguments to the Atomic Safety and Licensing Board, which panel is charged with the exclusive responsibility for determining the significance of such matters, and not counsel for one or another party to the proceeding.

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CONCLUSION

For all the foregoing reasons, it is respectfully submitted that licensee should be ordered to submit a report to the parties and the Board setting forth the details of the fuel assembly support strap defect problem at the Salem One Nuclear Generating Station.

Respectfully submitted,

Keith A. Onsdorff

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ASSISTANT DEPUTY PUBLIC ADVOCATE

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RELATED CORRESPONDENCE



UNITED STATES OF AMERICA


NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenor, Colemans Motion To Compel Licensee To Supplement Answers To Interrogatories in the above captioned matter has been served upon the parties to this proceedings by deposit in the United States mail at the post office in Trenton, N.J., with proper postage thereon, this 26th day of June, 1979.


KEITH A. ONSDORFF
ASSISTANT DEPUTY PUBLIC ADVOCATE

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Dated: June 26, 1979

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