

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'84 JAN 24 A11:51

IN THE MATTER OF
PUBLIC SERVICE ELECTRIC
& GAS COMPANY
(Salem Nuclear Generating
Station, Unit 1)

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Docket No. 50-272-OLA

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MOTION TO WITHDRAW PETITION

COMES NOW the State of Delaware, by and through its attorney Carolyn E. Delaney, and moves to withdraw its Petition For Leave To Intervene and Request for Hearing in this matter.

Counsel states in support of said Motion that:

1. In an Order dated November 17, 1983 the Atomic Safety and Licensing Board granted the State of Delaware's petition on the proposed issuance of an amendment to the Operating License (No. DPR-70) for Salem Nuclear Generating Station, Unit 1.

2. Delaware's request for a hearing prior to the issuance of the proposed amendment had been rendered moot by the NRC Staff's issuance of the amendment on October 31, 1983.

3. The NRC's Safety Evaluation issued together with the amendment on October 31, 1983 found that the proposed one-time extension of the time interval for performance of a Type A test did not involve a significant hazards consideration.

4. The State of Delaware had until January 4, 1984 to file a supplement to its intervention petition setting forth at least one cognizable contention in compliance with 10 C.F.R. §2.714(b).

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5. The State of Delaware requested and received a two-week extension while technical staff completed their review of the matter.

6. That review has now been completed and on the advice of the technical experts, Delaware has determined that despite continuing concern about the safe operation of the Salem Nuclear Generating Station, no contention should be filed.

WHEREFORE, counsel moves to withdraw its petition for leave to intervene and request for hearing in this matter.

Respectfully submitted
Charles M. Oberly, III
Attorney General of the
State of Delaware

By:

Carolyn E. Delaney
Carolyn E. Delaney
Deputy Attorney General

Dated: January 20, 1984

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NUCLEAR REGULATORY COMMISSION

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In the matter of)
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PUBLIC SERVICE ELECTRIC & GAS COMPANY)
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'84 JAN 24 A11:52

Docket No. 50-272-OLA
OFFICE OF SECRETARY
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BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion to Withdraw Petition" in the above-captioned proceeding have been served on the following by deposit in the United States Mail, first class on January 20, 1984.

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