



State of New Jersey

DEPARTMENT OF THE PUBLIC ADVOCATE

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TRENTON, NEW JERSEY 08625

JOSEPH H. RODRIGUEZ
PUBLIC ADVOCATE

February 16, 1984

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U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Peter A. Morris
Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

In the Matter of
Public Service Electric and Gas Company
(Hope Creek Generating Station)
Docket No. 50-354

Dear Gentlemen:

The purpose of this letter is to inform the Board of two recent and still pending developments.

First, the Public Advocate of the State of New Jersey ("Public Advocate") is prepared to consent to the applicant's motion to dismiss Contention IV relating to the environmental impacts from the operation of the Hope Creek cooling tower.* In a recent conference call the Public Advocate so informed all the parties. The reasons for this consent -- which may take the form of a motion -- will be more fully set forth in a memorandum to be filed with the Board and parties the first of next week. (Due to some of the unfortunate statements in the applicant's motion to dismiss it is imperative to respond to these matters as well.)

* We are aware, of course, that once the Board has accepted a contention it may not be dismissed by consent with the parties -- due to the Board's independent duty to determine whether the facility should be licensed.

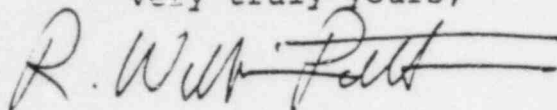
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Second, the Public Advocate will also file a motion for a protective order forbidding the applicant from proceeding with its attempted deposition of the Honorable Joseph H. Rodriguez, the Public Advocate. Applicant's counsel is well aware that high government officials are privileged from mandatory testimony, absent a clear showing of some compelling necessity, which is not even alleged. The motion will also set forth other reasons for denying the requested deposition and/or quashing the subpoena, should one be sought.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. William Potter", with a horizontal line drawn through the middle of the signature.

R. William Potter
Assistant Commissioner,
Public Advocate

RWP:lz

cc. Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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Public Service Electric and
Gas Company

(Hope Creek Generating Station)

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Docket No. 50-354 - OL

SERVICE LIST

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