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DOCKETED
USNRC

'83 DEC -2 A10:34

November 28, 1983

OFFICE OF SERVICE (202) 833-3500
DOCKETING & SERVICE
BRANCH ADDRESS: ATOMLAW

Carol Delaney, Esq.
Deputy Attorney General
Department of Justice
State Office Building
8th Floor
820 N. French Street
Wilmington, DE 19810

In the Matter of
(Hope Creek Generating Station)
Docket No. 50-354

Dear Miss Delaney:

I understand from Mr. Potter that you have taken over responsibility for this case in your office from Miss Langdon and that you will soon be filing a notice of appearance. For your benefit, this letter will summarize the conference call on Monday, November 18, 1983 among Mr. Potter, Lee Dewey of the NRC Staff, and myself regarding the deposition of individuals supporting a contention offered by the Public Advocate and the State of Delaware that there is "new information," not considered at the construction permit stage, on alleged impacts of salt deposition from the Hope Creek cooling tower. We do not know why Mr. Potter did not include you in the conference call he originated.

As I emphasized to Mr. Potter, it is not our intention at this time to engage in final, broad discovery on all substantive aspects of this allegation. Rather, our primary purpose is to determine the basis of the alleged "new information" for this contention which was represented to the Licensing Board at the time of the prehearing conference on November 22, 1983.

As you may know, Miss Langdon advised the Licensing Board at the prehearing conference that the State of Delaware wishes to "ride on the coat-tails of the Public Advocate" (Tr. 218) on this issue. Mr. Potter, however, stated during the call that the Public Advocate will rely upon "new information" contained in a recent study performed by or at the request of the State of Delaware.

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We therefore understand that you will be responsible for securing the availability of the person(s) responsible for the recent salt deposition study. Mr. Potter stated that you had attempted to contact Dr. Gary W. Peterson, who is now teaching at Penn State University, and that he had not yet responded to the message. He also advised that a similar attempt had been made to reach Mr. William Garner, an employee or consultant with the State Agricultural Laboratory, who also has not yet been reached.

As I noted during the call, it is our intention to depose the responsible individuals as soon as possible and I request that every effort be made to contact these individuals at work or home as soon as possible in order to take their depositions. Since Mr. Potter indicated you would produce the witnesses, a single day of depositions in Wilmington will likely suffice. We will depose Dr. Peterson at Penn State, if necessary.

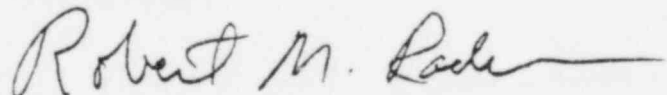
Mr. Potter also mentioned the possibility that certain other participants in the study would be substituted for the two named individuals. We assume, of course, that all individuals who participated in the study will be promptly identified so that their depositions can also be scheduled.

Finally, I want to reiterate my request to Mr. Potter that you instruct the deponents to bring all background documents relating to their testimony to the deposition so that we will not have to adjourn in order for the witness to review his files.

As you know, we had planned to take the depositions today and tomorrow, but were unable to do so because the arrangements had not yet been made. I hope that you will be able to schedule the witnesses so that we can complete their depositions next week.

Please call me if you have any questions regarding the depositions.

Sincerely,



Robert M. Rader

cc: Service List