

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

CT 100-6 23/82

Public Service Electric and
Gas Company (Hope Creek
Generating Station)

Docket No. 50-354-OL

Intervenor's Motion for Extension of
Time to Respond to Applicant's Motion

Preliminary Statement

On July 31, 1984, the Department of the Public Advocate of the State of New Jersey, the only intervenor in the Hope Creek Generating Station's operating license proceeding, received a motion from the applicant entitled "Applicant's Motion to Compel Designation of Witnesses and Their Availability for Depositions and/or Dismiss the Proceeding." In this motion, the applicant requests that the Licensing Board compel the Public Advocate to disclose the identities of the Public Advocate's expert witnesses on the contentions and require that such individuals be made available for depositions no later than the week of August 13, 1984. The applicant also requests in its motion that the Licensing Board dismiss the operating license proceeding if the Public Advocate fails to meet the applicant's artificially-set deadline.

Pursuant to 10 C.F.R. §2.730, unless the Secretary, Assistant Secretary, or presiding officer authorizes an extension of time, the Public Advocate must file his answer to the applicant's motion ten days after service of the written notice, which is, in this case, August 10, 1984. In this motion, the Public Advocate respectfully requests an extension of time from this deadline.

Argument

The Department of the Public Advocate fully intends to identify our expert witnesses on the three contentions at issue in the Hope Creek Generating Station operating license proceedings. We also fully intend to have these expert witnesses available for depositions. Thus, we plan to meet the applicant's expert witness requests.

However, as the Licensing Board is already aware, William Potter, the lead counsel who represented the Public Advocate in the Hope Creek proceedings, is no longer working at the Department of the Public Advocate. On June 29, 1984, Mr. Potter officially withdrew as counsel from this matter.

Commissioner Rodriguez is now in the process of assigning counsel to represent him in the Hope Creek proceedings, but to date, no counsel has been assigned. Consequently, the process of selecting expert witnesses and having them prepare for depositions has been delayed.

I am, therefore, respectfully requesting a sixty (60) day extension to allow the Public Advocate to assign counsel, select and consult with expert witnesses, and allow the expert witnesses time to familiarize themselves with the specifics of this proceeding. Once an attorney is assigned and expert witnesses are selected, the Public Advocate will promptly provide the names of these experts to the applicant. Therefore, we anticipate that applicant's motion will soon become moot.

The Public Advocate notes that the Hope Creek facility is not expected to be on-line for operation until December 1986. A two months extension to assign counsel and select expert witnesses should not in any way delay the operational date of this facility.

Relief Requested

For the above reasons, the Public Advocate respectfully requests that the Licensing Board grant the Public Advocate a sixty (60) day extension to respond to applicant's Motion to Compel Designation of Witnesses and Their Availability for Deposition and/or to Dismiss the Proceeding.

Respectfully submitted,

JOSEPH H. RODRIGUEZ
PUBLIC ADVOCATE
STATE OF NEW JERSEY

By: 

Susan C. Remis
Ass't. Deputy Public Advocate

Date: August 3, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Intervenor's Motion for Extension of Time to Respond to Applicant's Motion," dated August 3, 1984, in the above-captioned matter, have been served upon the following by deposit in the United States mail on this 3rd day of August, 1984:

Marshall E. Miller, Esquire
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U. S. Nuclear Regulatory Commission
Washington, DC 20555

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Atomic Safety and Licensing Board Panel
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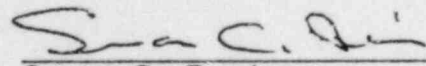
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