

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

12/9/80

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

RECEIVED DISTRIBUTION
SERVICES UNIT
1980 DEC 10 PM 2 59
HIS NRC
DISTRICT OFFICE SERVICES
BRANCH

In the Matter of)
)
PUBLIC SERVICE ELECTRIC &)
GAS COMPANY)
)
(Salem Nuclear Generating)
Station, Unit No. 1))

Docket No. 50-272
Proposed Issuance of Amendment
to Facility Operating License
No. DPR-70

NRC STAFF RESPONSE TO MOTION OF
ALFRED AND ELEANOR COLEMAN FOR AN
EXTENSION OF TIME

The Staff of the Nuclear Regulatory Commission (Staff) hereby responds to the timely motion for extension of time to file a brief in support of exceptions filed by Alfred and Eleanor Coleman on November 30, 1980 in the above-captioned proceeding. While the Staff does not object to some extension of time for the Colemans to file their brief, the delay of approximately seven (7) weeks requested by them is somewhat excessive.

DISCUSSION

On November 11, 1980 the Colemans filed twelve (12) exceptions to the Licensing Board's Initial Decision. They now give three reasons why an extension of time amounting to some 51 days is necessary for them to complete their brief in support of these twelve exceptions. It should be noted that such an extension would mean that the Colemans would have had some 2 1/2 months to file this brief. Their reasons are:

1. Their counsel has officially withdrawn;
2. They did not have enough time to review the record of the proceeding and some "substantive evidence" which has recently come to their attention; and

D507
S 0/1

3. That unspecified prior commitments at a place of employment have made it difficult for them to meet the briefing deadline.

The Staff is well aware that participation in complex litigation can be time-consuming and burdensome. The Staff does not believe, however, that the reasons stated by the Colemans for requesting such a lengthy extension of time represent a sufficiently large burden to warrant such an extension. The Staff must also point out that the requested extension would constitute a long delay in an already protracted proceeding. 1/

Since the length of the requested delay is not justified, the Staff would suggest that the Colemans be granted a three (3) week extension rather than the requested seven (7) week extension to file a brief in support of their twelve (12) exceptions.

1/ The Colemans in their motion stated:


"...we see no reason not to grant our request for extension in light of the Nuclear Regulatory Commission's recommendation not to consider an appeal of this decision."

This statement seems to illustrate some confusion on the part of the Colemans as to the composition of the Commission and the NRC Staff. The memorandum to Harold R. Denton from Howard K. Shapar dated November 3, 1980 mentioned by the Colemans in their motion is a memorandum from the Executive Legal Director to a member of the NRC Staff and in no way contains any recommendations to the Commission concerning this proceeding.

CONCLUSION

For the reasons set forth above, the Staff concludes that the Colemans should be granted only a three (3) week extension of time in which to file their brief.

Respectfully submitted,



Janice E. Moore
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of December, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PUBLIC SERVICE ELECTRIC &)
GAS COMPANY)

(Salem Nuclear Generating)
Station, Unit No. 1))

Docket No. 50-272
Proposed Issuance of Amendment
to Facility Operating License
No. DPR-70

CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO MOTION OF ALFRED AND ELEANOR COLEMAN FOR AN EXTENSION OF TIME in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 9th day of December, 1980.

Christine N. Kohl, Chairman
Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

*Dr. W. Reed Johnson
Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

*Thomas S. Moore
Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Gary L. Milhollin, Esq., Chairman
Atomic Safety and Licensing Board
1815 Jefferson Street
Madison, Wisconsin 53711

*Mr. Frederick J. Shon
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. James C. Lamb, III
313 Woodhaven Road
Chapel Hill, North Carolina 27514

Richard Fryling, Jr., Esq.
Assistant General Solicitor
Public Service Electric and
Gas Company
80 Park Place
Newark, New Jersey 07101

Mark J. Wetterhahn, Esq.
Conner, Moore & Corber
1747 Pennsylvania Avenue, N.W.
Suite 1050
Washington, D. C. 20006

Carl Valore, Jr., Esq.
535 Tilton Road
Northfield, N. J. 08225

Lower Alloways Creek Township
c/o Mary O. Henderson
Municipal Building
Hancock's Bridge, New Jersey 08038

Mr. Alfred C. Coleman, Jr.
Mrs. Eleanor G. Coleman
35 "K" Drive
Pennsville, New Jersey 08070

Mr. Dale Bridenbaugh
M.H.B. Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

*Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Richard M. Hluchan, Esq.
Rebecca Fields, Esq.
Deputy Attorney General
State of New Jersey
36 West State Street
Trenton, New Jersey 08625

June D. MacArtor, Esq.
Deputy Attorney General
Tatnall Building
P. O. Box 1401
Dover, Delaware 19901

*Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

*Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

JANICE E. MOORE

Janice E. Moore
Counsel for NRC Staff