UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2/17/78

In the Matter of	)	
	)	
PUBLIC SERVICE ELECTRIC & GAS COMPANY, ET AL.	)	Docket No. 50-272
	)	
(Salem Nuclear Generating Station, Unit No. 1)	)	

LICENSEE'S ANSWER TO THE
PETITIONS FOR LEAVE TO INTERVENE
OF RUTH FISHER AND BETTY HORNER

On February 8, 1978, the Nuclear Regulatory Commission ("NRC" or "Commission") published in the Federal Register "Notice of Proposed Issuance of Amendment to Facility Operating Licensing" ("Notice") relating to revision of the Technical Specifications for Salem Nuclear Generating Station, Unit No. 1, to permit increase in the fuel storage capacity in the spent fuel pool.

On February 10, 1978, counsel for the Licensee, Public Service Electric & Gas Company, et al., received from the NRC an undated letter on the stationery of "'The Sun People' - Alternate Energy Advocates" signed by Ruth Fisher. Licensee had previously received from the NRC a letter to the NRC from Betty Horner dated January 11, 1978, well before the publication of the Notice in the Federal Register. If meant

to be requests for a hearing in the form of petitions for leave to intervene, both letters totally fail to meet the requirements of the Commission's regulations and should be denied.[1/]

The Fisher letter, while on the letterhead of "The Sun People," does not indicate that she was signing in a representative capacity. There is no description of the organization, no identification of its membership, and no attempt to fulfill the requirement of 10 CFR §2.714 to demonstrate an interest affected by the proceeding of the organization itself, its members, or of Ruth Fisher, individually.[2/] Similarly, Mrs. Horner fails to allege an interest affected within the scope of the Notice.

1/ In addition to failing to meet the substantive requirements of the NRC's Rules of Practice, both also totally fail to meet the procedural requirements. For example, neither is under oath or affirmation, or is accompanied by the required affidavit or proof of service. While Licensee believes that neither letter was ever intended as a petition for leave to intervene, to protect the record, it is filing this answer.

2/ Edlow International Co. (Agent for the Government of India on Application to Export Special Nuclear Material), CLI-76-6, 3 NRC 563, 569-70 (1976); Allied-General Nuclear Services (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420, 421-3 (1976); Philadelphia Electric Company (Peach Bottom Atomic Power Station, Units 2 and 3), LBP-75-22, 1 NRC 451 (1975).

Moreover, neither letter-petitioner makes any attempt whatsoever to state a contention and both are thus fatally defective.[3/]

For the foregoing reasons, if the letters of Ruth Fisher and Betty Horner are submitted as petitions for leave to intervene, they should be denied.

Respectfully submitted,

CONNER, MOORE & CORBER

Mark J. Wetterhahn
Counsel for Public Service
Electric & Gas Company, et al.

February 17, 1978

3/ The Cincinnati Gas & Electric Company (Wm. H. Zimmer Nuclear Power Station), ALAB-305, 3 NRC 8, 11 (1975). See also Peach Bottom, n. 2 supra.

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance on behalf of the Licensee in the captioned matter. In accordance with §2.713, 10 CFR Part 2, the following information is provided:

Name	-	Mark J. Wetterhahn
Address	-	Conner, Moore & Corber 1747 Pennsylvania Avenue, N.W. Suite 1050 Washington, D.C. 20006
Telephone No.	-	Area Code 202/833-3500
Admission	-	Supreme Court of the United States United States Court of Appeals, District of Columbia Circuit
Name of Party	-	Public Service Electric & Gas Company 80 Park Place Newark, New Jersey 07101

Notice is further given pursuant to §2.708, 10 CFR Part 2, that service upon the Licensee should be made upon the undersigned.

Mark J. Wetterhahn

Dated at Washington, District of Columbia,
this 17th day of February, 1978.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Answer to the Petitions for Leave to Intervene of Ruth Fisher and Betty Horner" and "Notice of Appearance of Mark J. Wetterhahn," dated February 17, 1978, in the captioned matter, have been served upon the following by deposit in the United States mail this 17th day of February, 1978:

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

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

Barry Smith, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Mrs. Betty Horner
Main Street
Hancocks Bridge, New Jersey 08038

Mrs. Ruth Fisher
"The Sun People" - Alternate
Energy Advocates
South Dennis, New Jersey 08245

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

Mark J. Wetterhahn