STATEMENT IN SUPPORT OF MOTION

. . .

By letter dated June 6, 1979, Intervenors, Coleman, requested that the licensee supplement its answers to certain interrogatories dealing with safety and refueling cycle at the Salem One Nuclear Generating Station. (Copy of letter attached hereto as Exhibit A). This request for supplementation was precipitated by media reports of unanticipated damage to fuel assembly support straps being discovered Juring the recent refueling outage at the Salem plant.

During a telephone conversation with Mr. Wetterhahn, Counsel for Public Service on June 25, 1979, I was informed that no further information would be forthcoming in response to Intervenors request beyond the statement in his June 19, 1979 letter to the Board, found at page two, that:

"it does not appear at this time that these two problems will increase the number of spent fuel elements to be stored in the spent fuel pool nor will the present refueling outage be significantly lengthened."

June 19, 1979 letter; p.2.

Of course, the conclusion of counsel for licensee pertaining to the significance of the period of this first refueling outage at Salem One is subject to differing interpretations by the Board and other disinterested parties. Moreover, the tendency for pieces of sharp metal to disengage from the fuel assembly support straps may constitute a significant hazard to the fuel pool environment, including the boral shields used to prevent the stored fuel from becoming critical. While this risk may be minimal, it cannot and should not be either ignored, overlooked or examined by only one litigant during the pendency of an adjudicatory proceeding. Yet, this latter issue is not even addressed by Mr. Wetterhahn's missive of June 19, 1979.



It would apprear, therefore, that the parties to the within proceeding before the Nuclear Regulatory Commission are entitled to examine the objective facts pertaining to the issues in controversy and submit appropriate evidence and arguments to the Atomic Safety and Licensing Board, which panel is charged with the exclusive responsibility for determining the significance of such matters, and not counsel for one or another party to the proceeding.

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CONCLUSION

For all the foregoing reasons, it is respectfully submitted that licensee should be ordered to submit a report to the parties and the Board setting forth the details of the fuel assembly support strap defect problem at the Salem One Nuclear Generating Station.

Respectfully submitted,

KEITH A. ONSDORFF

ASSISTANT DEPUTY PUBLIC ADVOCATE

KAO/lme

POOR ORIGINAL



State of Rew Jersey

DEPARTMENT OF THE PUBLIC ADVOCATE DIVISION OF PUBLIC INTEREST ADVOCACY

P.O. BOX 141 TRENTON, NEW JERSEY 08625 CARLS BISGAIGR DIRECTOR TEL 609-292-1693

STANLEY C. VAN NESS PUBLIC ADVOCATE

June 6, 1979

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

Re: Salem One Reracking Case

Dear Mr. Wetterhahn:

It has come to our attention that during the recent refueling at Salem One certain dents and cracks in some metal plates used to secure the supports of the fuel assemblies were discovered.

As we discussed by telephone today, I believe that pursuant to 10 C.F.R. 2.740(e), Supplementation of Responses, the licensee is obligated to provide intervenors with a detailed explanation of this recently discovered defect in the fuel support structure. Both Interrogatories One and Three pertain to the refueling cycle at the Salem facility and Interrogatory Six addresses safety considerations which, it would appear, have been affected by this unforeseen occurrence.

We would appreciate receiving your Supplemental answers to these Interrogatories by no later than June 25, 1979.

Thank you for your cooperation.

KEITH A. ONSDORFF

Very truly your

Assistant Deputy Public Advocate

KAO/mw

bcc: Mr. and Mrs. Alfred C. Coleman, Jr.

368 133





RELATED CORRESPONDENCE

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

Office of the Secretary

Oction of the Secretary

Occidental Stances

Tout 199

USNRC

In the Matter of

Docket No. 50-272

PUBLIC SERVICE ELECTRIC & GAS CO.

Proposed Issuance of Amendment to Facility Operating License

(Salem Nuclear Generating

No. DPR-70

Station, Unit #1)

CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenors, Colemans Motion To Compel Licensee To Supplement Answers To Interrogatories in the above captioned matter has been served upon the parties to this proceedings by deposit in the United States mail at the post office in Trenton, N.J., with proper postage thereon, this 26th day of June, 1979.

KEITH A. ONSDORFF

ASSISTANT DEPUTY PUBLIC ADVOCATE

KAO/lme

Dated: June 26, 1979

368 134

