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(609) 678-7125

March 5, 1980

Mr. William J. Ross
Salem 1 Project Manager
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Rossi:

Salem 1 - 50-272
Salem 2 - 50-311
Hope Creek 1 - 50-354
Hope Creek 2 - 50-355

ENDANGERED SPECIES
SHORTNOSE STURGEON

With only a weekend's notice I received a "RUSH" call to appear at 1:00 pm October 29, 1979 in Bethesda to meet on the above subject. Since that time we have tried to find out what's been happening between the various agencies that also attended.

After making calls for a couple of days to various parties around the end of December We finally reached you on December 28 at which time you informed us you didn't contact us because you did not have our address (even though all who attended the October 29 meeting signed Name, Title, Organization, Address and Telephone Number on a sheet that was distributed to all in attendance). You should also be aware the rules and regulations of the NRC require full address when petitions are submitted. (This meant our address appeared on 6 documents originally submitted)

As a result of our December 28 telephone conversation, you sent us the biological opinion given by Terry L. Leitzell dated December 7. We received this document January 4, 1980. Not until the same document was received by us from Harold R. Denton on February 22, 1980, dated February 7, 1980 were we privileged to who Mr. Leitzell even was (the name of the agency Mr. Leitzell represents was cut off the copy you sent us).

Attached to Mr. Denton's letter of February 7, 1980 to us was a copy of a letter dated October 31, 1979 written by Wm. H. Regan, Jr. Acting Asst. Director for Environmental Projects and Technology, Division of Site, Safety and Environmental Analysis directed to Mr. William Gordon, Regional

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ES-70

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William J. Ross
Endangered Species
Snortnose Sturgeon

Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration requesting a formal consultation with his agency.

After the meeting October 29, 1979, we waited around for over an hour while your agency went into closed session to decide whether or not to allow Salem I to start. As you recall there was no conclusive evidence at this meeting we attended that the licensee could protect this endangered species as required by law. Nevertheless, as expected, the verdict was naturally to allow the Salem 1 facility to operate anyhow.

As you also should recall, you were the one who (after the closed session) came down and told us, in addition to the decision to allow Salem 1 to operate - no matter what - that:

1. We would receive a copy of the minutes taken at the October 29 meeting. NEVER RECEIVED TO DATE
2. We would be invited to attend all formal and informal consultation with any and all agencies involved. TO DATE HAVE NOT BEEN INVITED TO ANY BEYOND FIRST ONE OCTOBER 29.
3. We would receive copies of all correspondence and documentation pertaining to these petitions. NOTHING EXCEPT December 7, 1979 letter from you and letter from Denton, Dated February 7 with attachments.

We are sure these petitions have generated more activity than we have been privileged to.

During the October 29 informal consultation in Bethesda, although we named no one, we assured those in attendance we were prepared to present our case which included expert witnesses. (This fact should be included in the minutes we have not received.) We do not understand how the NRC can be so irresponsible in this important case and at the same time require so much formality from the public.

Based on the information we've received, we feel the decision to allow Salem 1 to operate is irresponsible. (letter from Denton).

Mr. Denton's decision points out his denial of our petition for SALEM 1 ONLY (subject to the review of the commission). However, he specifically points out that consideration of our request for STAY OF LICENSING OF SALEM 2 and Construction Permits for

