

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

'84 FEB -7 11:29

Public Service Electric and )  
Gas Company )  
(Hope Creek Generating ) Docket No. 50-354-OL  
Station) )

APPLICANTS' MOTION TO STRIKE CONTENTION 4

Preliminary Statement

At the special prehearing conference on November 22, 1983, the Atomic Safety and Licensing Board ("Licensing Board" or "Board") admitted a contention put forth by the Public Advocate of the State of New Jersey ("Public Advocate"), acting with counsel for the State of Delaware ("Delaware"), on the long-term ecological effects on cropland and groundwater of salt deposition due to the operation of the Hope Creek cooling tower (Tr. 219).

Both the Public Service Electric and Gas Company, et al. ("Applicants") and the NRC Staff objected to admission of this contention on the ground that the environmental effects of salt deposition from the Hope Creek cooling towers had been specifically addressed at the construction permit stage (Tr. 216-17, 220, 223).<sup>1/</sup> The ensuing colloquy indicates that the Licensing Board's action was based upon two considerations:

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1/ See also Applicants' Answer to Proposed Contentions at 36-39 (November 18, 1983); Staff Response to the Contentions at 17-19 (November 18, 1983).

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1. The representation by the Public Advocate and counsel for Delaware that prior discussions with technical expert(s) was the basis for raising the rephrased contention (Tr. 226, 228);<sup>2/</sup> and
2. The representation of counsel that new information as to cooling tower effects actually existed based on recent studies in Delaware on the long term effects of salt deposition on cropland and on groundwater (Tr. 217-18).

Contrary to the representations made to the Board by Delaware's counsel it is now clear that (1) neither counsel for the intervenor nor Delaware had conferred prior to the prehearing conference with the experts upon whom they now rely and (2) there has been no recent Delaware study on cooling tower effects. Instead, the studies to which counsel referred analyze the use of soil as a mechanism for the disposal of sewage waste and the mobility of pathogenic organisms.<sup>3/</sup>

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<sup>2/</sup> The Public Advocate referred to "the other experts [other than MHB Technical Associates] who have assisted in the preparation of these contentions . . . ." Memorandum of Law in Support of Intervenor's Contentions at 4 ("Memorandum of Law") (November 7, 1983). The Public Advocate thus indicated that all contentions had been drafted with the assistance of technical experts.

<sup>3/</sup> Deposition of Dr. Gary W. Petersen and Dr. Richard R. Parizek ("Deposition") at 130-31 and 141 (January 13, (Footnote Continued)

Moreover, because environmental issues considered at the construction permit stage are not to be reconsidered at the operating license stage in the absence of "new information," Applicants move to strike Contention 4 as unsupported by new information contrary to the representations of Delaware's counsel upon which the Board relied in admitting it.

Factual Discussion

Until the prehearing conference, it appeared from the Public Advocate's pleading of proposed Contention 4 (then Contention X) that he possessed no new information on the environmental impacts of cooling towers. In his Memorandum of Law, the Public Advocate set forth his proposed contention on cooling tower effects which merely restated concerns addressed at the construction permit stage.<sup>4/</sup> One can only infer from these statements and from the phrasing of the contention that the Public Advocate had found no more recent information on cooling tower effects.

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(Footnote Continued)

1984). A copy of the deposition transcript and deposition exhibits is enclosed for the members of the Board.

4/ Memorandum of Law at 35. There the Public Advocate stated, in relevant part, that the New Jersey Department of Environmental Protection ("DEP") was concerned about possible damage to "terrestrial life forms [that] . . . may result from salt drift from cooling towers." Coastal Area Facility Review Act ("CAFRA") Opinion No. 20, ¶109, p.33. Moreover, in its Memorandum of Law the Public Advocate stated that he had "examined with care the available documents pertaining to the Hope Creek Facility." Memorandum of Law at 3.

Thus, it is patent that the Public Advocate himself has no new information on the environmental impact of salt deposition from the Hope Creek cooling tower. To the extent that there have been additional studies of the effects of salt deposition from cooling towers since issuance of the Hope Creek construction permits, the information provides no basis for Contention 4, but merely reinforces the conclusions reached at the construction permit stage in the Final Environmental Statement for Hope Creek.<sup>5/</sup>

At the prehearing conference, both Applicants and the Staff demonstrated that the Licensing Board at the construction permit stage had considered the environmental impacts of salt deposition from the Hope Creek cooling towers.<sup>6/</sup> Counsel from the State of Delaware, however, stated that cooling tower impacts "is an area of great interest to the State of Delaware" (Tr. 217). The specific cooling tower impact alleged was "the long-term effects of

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<sup>5/</sup> See, e.g., New Jersey DEP "Final Report on Salt Deposition from the Hope Creek Cooling Towers and the Potential Effect of the Salt on Crops and Livestock" (September 16, 1980) ("Final Report"). The New Jersey DEP concluded that total salt deposited from the towers at the nearest farm would not exceed 0.2 lb/acre when summed over the entire year. Final Report at 3. The New Jersey DEP compared this deposition of 0.2 lb. of salt/acre/year with the estimated annual rate of salt deposition due to fertilization of 4.0 lb/acre on the average (id).

<sup>6/</sup> Tr. 216-17. Applicants cited Public Service Electric and Gas Company (Hope Creek Generating Station, Units 1 and 2), LBP-74-79, 8 AEC 745, 758 (1974).

salt deposition on cropland and, subsequently, on the groundwater" (Tr. 217), allegedly based upon recently conducted hydrogeologic studies (Tr. 218). Despite the lack of specificity in this statement, the Board accepted it conditionally upon the representation of "new information" available from Delaware's experts and admitted a rephrased contention concerning the impact of salt deposition on cropland and groundwater (Tr. 219-20).

Both Applicants and the Staff objected to admission of the rephrased contention (Tr. 220, 223). The Board overruled these objections, but noted that the Public Advocate had set forth no new information (Tr. 228), and that litigation of the contention is permissible only if it is based on new information (Tr. 222). The Chairman stated:

They will have to meet [the requirements of the regulations for considering environmental contentions at the operating license stage] as soon as you can frame an interrogatory or take a deposition. It is clear what the Commission intends, that is to say, only if there is new information. We are now at the redrafting stage confronted with a statement of a non-party presently but there appears a record at this time that there might be new or additional data. We are giving them that limited opportunity. They can or they can't, and we will soon know. [Tr. 222]

The Board held, therefore, that a motion to strike might be appropriate after determining whether the State of Delaware really had "any new information" (Tr. 228).

Accordingly, the deposition of the Public Advocate's expert witnesses, Dr. Gary W. Petersen and Dr. Richard R.

Parizek, was taken on January 13, 1984.<sup>7/</sup> Despite the Public Advocate's statement that his contentions were drafted with the assistance of technical experts, it is clear that the only individuals proffered as experts did not assist him with regard to Contention 4. Neither Dr. Parizek nor Dr. Petersen participated in the Public Advocate's preparation of Contention 4 nor are they aware of any other expert who did so. Neither individual was contacted by the Public Advocate or the State of Delaware with regard to this contention until after the prehearing conference (Dep. at 6-7, 155-58). In fact, the first information provided to these individuals on Contention 4 was furnished by cover letter of December 21, 1983 (Dep. at 158). Some information was not provided until January 12, 1984 (Dep. at 159).

Neither Dr. Parizek nor Dr. Petersen performed any work as a consultant for the Public Advocate, the State of Delaware or any other party with regard to salt deposition at the construction permit stage for Hope Creek (Dep. at 9). Nor has Dr. Parizek or Dr. Petersen done any other reports or studies for the Public Advocate or the State of Delaware regarding the Hope Creek facility (Dep. at 179). Neither has performed any consultation with regard to salt deposition impacts as related to cooling tower drift from an

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<sup>7/</sup> Deposition of Dr. Richard R. Parizek and Dr. Gary W. Petersen (January 13, 1984) ("Dep.").

electric power plant, whether nuclear or fossil fuel (Dep. at 9).

In general, neither Dr. Parizek nor Dr. Petersen has done a quantitative or qualitative analysis of condensates from the Hope Creek cooling tower (or any other plant) or their environmental effects on cropland or in the groundwater (Dep. at 13, 32, 70, 77, 98, 109, 121-23, 132, 166, 179, and 196-99). Additionally, they know of no analyses which would cause them to question the analysis and conclusions regarding cooling tower drift and its environmental impact as stated in the 1974 Final Environmental Statement ("FES") for Hope Creek or in the Applicants' Environmental Report - Operating License Stage (Dep. at 49, 70, 101, 103, 144, 145, 160, 164, 173 and 177). Finally, they both stated that the scientific principles applicable to an analysis of the environmental effects of salt deposition on cropland and groundwater were known at the time the 1974 FES was issued (Dep. at 139, 140 and 148).

The deponents produced all documents upon which they relied or which they otherwise considered related to salt deposition from the Hope Creek cooling tower. They were questioned as to each document in turn to determine its relevance (Dep. at 84). In general, their testimony amounted to a critique of the reports and studies they produced, but did not present any data specific to Hope Creek or any other information contrary to the salt

deposition analysis in the Hope Creek 1974 FES.<sup>8/</sup> For example, the witnesses produced a portion of the Applicant's Environmental Report for the Summit facility and provided, in essence, a critique of that document without any demonstrated relevance to Hope Creek (Dep. at 110-13).<sup>9/</sup>

Two documents were furnished by the witnesses prior to the depositions, which presumably constituted the primary basis for the representations by counsel for the State of Delaware at the prehearing conference. These were also wholly irrelevant to Hope Creek or even the broader issue of salt deposition from a power plant cooling tower. As Dr. Petersen, the author of Working Paper No. 1, explained:

This paper was developed as a background paper for the state of Delaware to assist them in developing their regulations, their State regulations for the on-site disposal of, lets say, normal household waste. What the paper did is define many of the soil factors that

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8/ Most of the studies proffered by the deponents analyzed operation of the cooling towers at the Chalk Point Generating Station, a coal-fired facility, where concerns over "a trend in pH change in the soil" would be attributable to acid rain (Dep. at 96). As such, there was nothing shown regarding Chalk Point relevant to Hope Creek. The witnesses agreed that these studies were site specific and based upon the particular water chemistry of the Patuxent River (Dep. at 101). The first eight documents produced by the witnesses (Exhibits 4-9, 12 and 13), in fact, all related to the Chalk Point facility.

9/ Exhibit 11 was a document prepared by Applicants entitled "Energy for the Future," which provided information, as the witnesses explained, "that doesn't help in one way or another" as regards salt deposition (Dep. at 115).



need to be considered for this type of a waste disposal process so as to define the various physical and chemical properties that would be important in siting.

It also discusses what happens - we look at soils as a renovator of effluents, and if effluent from an on-site waste disposal system is not properly renovated or treated by the soil, then it would move right through and contaminate the groundwater supply. So, this paper really addresses many of those concerns in the proper siting of soils, how they should be analyzed and evaluated in the field to try to determine their suitability for this kind of renovation of effluent. [Tr. 130-31]10/

Similarly, Working Paper No. 2, as explained by its author, Dr. Parizek, has no relation to Hope Creek or salt deposition:

In the working paper there is a series of discussions, one that deals with the stability, mobility of pathogenic organisms. For the moment that would not apply directly to this. Truly any soil or geological condition that would allow pathogenic organisms to migrate to the water table are also soils, and geologies that would allow contaminants of a chemical nature to migrate to the water table. [Tr. 141]11/

Nothing in either working paper would enable either individual to form an opinion as to the chemical content of the

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10/ See Working Paper No. 1 - Soil Factors Relating to On-Site Waste Water Treatment and Disposal for State of Delaware (rev. November 9, 1982) (Exh. 14).

11/ See Working Paper No. 2 - Ground Water Characteristics for State of Delaware (rev. January 13, 1983) (Exh. 15).

condensation from the Hope Creek cooling tower, the area or rate of dispersal, or any possible ecological impact on cropland or groundwater from the dispersion.

Neither Dr. Petersen nor Dr. Parizek had reviewed the FES prepared for Hope Creek at the construction permit stage or Applicant's Environmental Report - Operating License Stage until after the prehearing conference (Dep. at 154-56, 158). Neither witness had any basis to disagree with the conclusion of the FES as to the worst-case estimate of salt deposition:

Under the most extreme conditions, the 40 kg/km<sup>2</sup>/month salt deposition anticipated from the towers would amount to about 30 percent of the natural background (130 kg/km<sup>2</sup>/month) . . . . The nearest farmlands are about 3.5 miles to the east of the site where the salt deposition resulting from the station operation will be about 6 to 8 percent of background under the worst predicted conditions. That additional salt is expected to be below levels of concern for farm crops. [Dep. at 159-61]12/

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12/ Hope Creek FES at p. 5-1 (1974). Part of the reason the Public Advocate may be pursuing this contention is his underlying skepticism about the Commission's competence. In reviewing the FES with the witnesses, they were asked to assume that the document was generated and reviewed by persons qualified in their respective scientific disciplines. The Public Advocate stated: "Don't ask them if they assume the Atomic Energy Commission in 1974 was a group of competent scholars." (Dep. at 161-62). Applicants do not regard such unfounded cynicism as a basis for pursuing an environmental issue which has already been laid to rest at the construction permit stage.

Nor did either witness have any basis upon which to disagree with the conclusions in the FES regarding the likely lack of any harmful impacts to animals and croplands in the area of the Hope Creek facility as a result of salt deposition (Dep. at 164).

Moreover, the deponents had not even reviewed studies performed since the FES which confirmed its correctness, including information in the EROL. The witnesses had reviewed only a single page of the EROL prior to the deposition. Neither had any basis to disagree with any of the conclusions or analyses contained in EROL Section 5.1.4.4, which deals with cooling tower salt deposition impacts. As this section states: "All deposition rates are small; these rates rapidly decrease with distance from the tower."<sup>13/</sup>

The data and analyses contained therein are fully consistent with the conclusions reached in the 1980 Final Report by the New Jersey DEP (Exh. 3), which was provided to the NRC Staff by letter dated January 23, 1984. It is significant that the Public Advocate's witnesses expressed no disagreement with the conclusions of the cognizable New Jersey agency regarding salt deposition from the Hope Creek cooling tower, which essentially reaffirmed the earlier findings in the Hope Creek 1974 FES.

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<sup>13/</sup> Nor did the witnesses have any basis to disagree with the data in Table 5.1-4 regarding salt deposition  
(Footnote Continued)

With regard to the conclusion in the New Jersey DEP Final Report that the amount of additional salt deposition expected each year on the farm nearest the Hope Creek cooling tower is .2 pounds per acre (assuming two cooling towers), neither witness was able to give any basis for disagreement. Noting uncertainties associated with any model, Dr. Parizek stated: "My guess is there a confidence limit that should be set on that .2 pounds of salinity per acre, plus or minus like 10 percent, according to whose model was used" (Dep. at 37, 39).

The Final Report also concluded:

Although the projected emission rate from a single tower reaches 28.5 pounds per hour in September, the average salt emission rate would be 14.5 pounds per hour, about half of the maximum. Based on PSE&G river data from 1968 to 1978, the maximum salt emission rate for a single month is expected to be 29.5 pounds per hour per cooling tower.

Neither witness put forward any basis for disagreeing with this conclusion. Dr. Parizek suggested that sampling during the extreme drought conditions of the early 1960's might have changed the emission rate "a few percent" (Dep. at 57-58).<sup>14/</sup>

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(Footnote Continued)

concentrations, or the depiction in EROL Figure 5.1-18 (Dep. at 171-73).

<sup>14/</sup> Dr. Parizek likewise did not disagree with the conclusion in the Final Report, utilizing the Laskowski model, that salt deposition will be greatest near the  
(Footnote Continued)

Neither witness disagreed with the conclusion in the Final Report that salt deposition due to fertilization is about 4.0 pounds per acre on the average, which is 20 times the amount of salt expected to be deposited at the nearest farm as a result of two Hope Creek cooling towers (Dep. at 61-64). Nor did the witnesses have any basis to contest the statement in the Final Report that natural sea salt deposition in the area is estimated at 14 pounds per acre per year, a rate 70 times larger than the deposition expected from two Hope Creek cooling towers (Dep. at 64-65, 70).

In short, the witnesses were only able to express their own personal reservations about the analyses and conclusions in the Hope Creek FES and other reports because they were not personally involved and had not had sufficient time to review them. While such conservatism is understandable, it does not affirmatively establish any "new information" on the salt deposition issue.

#### Argument

##### I. Contention 4 Should be Stricken for Misleading Representations to the Board and Parties.

As discussed above, Contention 4 was admitted by the Licensing Board conditionally upon the representations by

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(Footnote Continued)

cooling towers and will decrease rapidly with distance from the Hope Creek plant. He stated that "the die-off is almost an exponential kind of feature" (Dep. at 58-59).

the Public Advocate and counsel for the State of Delaware that there had been consultation with technical experts in drafting the contention and that studies relevant to the proposed salt deposition contention had recently been conducted. As shown above, no such consultation had occurred and no such studies even arguably exist. Accordingly, Contention 4 should be stricken because the Public Advocate and counsel for the State of Delaware violated the Commission's stringent requirement that parties and their counsel be forthcoming and candid in representations to the Board and parties in licensing proceedings.

Years ago in the Vermont Yankee case, the Appeal Board commended counsel for "calling the Board's attention to the existence of a fact which would detract from the validity of the position he was advocating," adding that such conduct "is worthy of acknowledgement, for it reflected [counsel's] full adherence to the principles which had governed those who by their advocacy participate in the adjudicatory process."<sup>15/</sup> In Black Fox, by contrast, the Appeal Board criticized counsel who had misled the Board by implication,

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<sup>15/</sup> Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station), ALAB-138, 6 AEC 520, 533 (1973).

i.e., a statement which, without elaboration, was "misleading in the extreme."<sup>16/</sup> The Appeal Board held:

Counsel appearing before this Board (as well as other NRC adjudicatory tribunals) have a manifest and iron-clad obligation of candor. That obligation is hardly fulfilled when, as here, there is a failure to call attention to facts of record which, at the very least, cast a quite different light upon the substance of arguments being advanced by counsel.<sup>17/</sup>

In the Comanche Peak proceeding, the Licensing Board emphasized "the importance and significance of candor and integrity of a party in all phases of litigation," and cautioned the parties to "avoid the possibility of unpleasant surprises in the future if the credibility and candor of parties becomes a significant issue . . . ."<sup>18/</sup> As with an Applicant's representations to the Commission, so it is with a party's representations to a Licensing Board: "Nothing less than candor is sufficient."<sup>19/</sup>

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<sup>16/</sup> Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), ALAB-505, 8 NRC 527, 532 n.16 (1978).

<sup>17/</sup> Id. at 532. The Appeal Board reiterated its views in Black Fox, supra, ALAB-508, 8 NRC 559, 564-65 (1978), where the Board noted that, if any doubt existed, facts omitted should be put on the record and then explained from the party's point of view.

<sup>18/</sup> Houston Lighting & Power Company (South Texas Project, Units 1 and 2), LBP-79-05, 9 NRC 193, 196 (1979).

<sup>19/</sup> Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2), CLI-76-22, 4 NRC 480, 491 (1976), citing, Hamlin Testing Laboratories, Inc., 2 AEC 423, 428 (1964).

It is now evident that the Public Advocate and counsel for the State of Delaware were "somewhat less than candid, if not actively devious, in not disclosing"<sup>20/</sup> the fact that the reports she cited at the prehearing conference had nothing to do with salt deposition from cooling towers. On this basis alone, the Licensing Board should strike Contention 4. The Public Advocate and State of Delaware should not benefit from the Board's good faith acceptance of such unfulfilled representations which have now been thoroughly discredited.

II. Contention 4 Should be Stricken as not Based on any "New Information."

In contrast to safety issues, environmental issues that have been considered during the construction permit proceeding are reconsidered at the operating license stage only upon a showing of significant changed circumstances.<sup>21/</sup> This rule recognizes that such issues are more appropriately

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20/ Duke Power Company (Oconee/McGuire), LBP-80-28, 12 NRC 459, 469 (1980), rev'd on other grounds, ALAB-651, 14 NRC 307 (1981).

21/ The Cincinnati Gas and Electric Company (Wm. H. Zimmer Nuclear Station), LBP-80-24, 12 NRC 231, 235 (1980). See also Pennsylvania Power and Light Company (Susquehanna Steam Electric Station, Units 1 and 2), LBP-79-6, 9 NRC 291, 303-04 (1979), quoting Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC 73, 86 (1979); Houston Lighting and Power Company (South Texas Project, Units 1 and 2), LBP-79-10, 9 NRC 439, 465 (1979).



considered before a plant is built <sup>22/</sup> and that there is a need for finality at some point in the administrative process.<sup>23/</sup>

Thus, the NRC's regulations provide that the Environmental Report submitted by an Applicant at this stage will include the same matters discussed in the Environmental Report at the construction permit stage, "but only to the extent that they differ from those discussed or reflect new information in addition to that discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit."<sup>24/</sup> In turn, the scope of the Staff's draft and final environmental statements at the operating license stage is defined by matters which Section 51.21 mandates for an Applicant's Environmental Report.<sup>25/</sup>

The Court of Appeals for the District of Columbia Circuit approved this approach in Calvert Cliff's Coordinating Committee, Inc. v. AEC, 449 F.2d 1109, 1128 (D.C. Cir. 1971), holding that full consideration under the National

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<sup>22/</sup> Id.

<sup>23/</sup> E.g., Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 750-51 (1977), citing ICC v. Jersey City, 322 U.S. 503, 514 (1944).

<sup>24/</sup> 10 C.F.R. §51.21.

<sup>25/</sup> See 10 C.F.R. §51.23(e).

Environmental Policy Act "need not be duplicated, absent new information or new developments, at the operating license stage."<sup>26/</sup> Thus, it is clear that NEPA does not mandate that environmental issues considered in the construction permit proceedings be considered again in the operating license hearing, absent new information.<sup>27/</sup> As the Commission has determined: "[A]n operating license proceeding should not be utilized to rehash issues already ventilated and resolved at the construction permit stage."<sup>28/</sup>

In sum, contrary to statements made at the prehearing conference, the Public Advocate and the State of Delaware have no new information, much less significant new information, which would call into question the Commission's analysis at the construction permit stage of the environmental impacts of the Hope Creek cooling tower on cropland or groundwater. The Commission's regulations and case law proscribe relitigation of an issue which has been previously decided at the construction permit stage in the absence of any such new information.

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<sup>26/</sup> See also Union of Concerned Scientists v. AEC, 499 F.2d 1069, 1079 (D.C. Cir. 1974).

<sup>27/</sup> Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-82-43a, 15 NRC 1423, 1459 (1982).

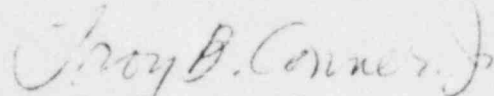
<sup>28/</sup> Alabama Power Company (Joseph M. Farley Nuclear Plant, Units 1 and 2), CLI-74-12, 7 AEC 203 (1974).

Conclusion

For the reasons discussed more fully above, the Board should strike rephrased Contention 4.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.



Troy B. Conner, Jr.  
Robert M. Rader  
Jessica H. Laverty

Counsel for Applicant

February 3, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

Public Service Electric and )  
Gas Company )  
(Hope Creek Generating ) Docket No. 50-354-OL  
Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion to Strike Contention 4," dated February 3, 1984 in the captioned matter have been served upon the following by deposit in the United States mail on this 3rd day of February, 1984:

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Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
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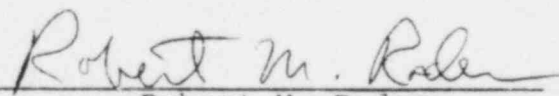
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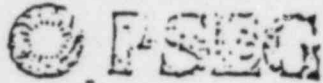
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GENERAL MANAGER  
ENVIRONMENTAL AFFAIRS

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STATE OF NEW JERSEY  
DEPARTMENT OF AGRICULTURE

PHILLIP ALAMPI, SECRETARY

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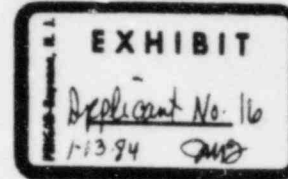
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8/21

March 25, 1981

ATTACHMENT B

Mr. Jay M. Perry, President  
Salem County Board of Agriculture  
County Administration Building  
94 Market Street  
Salem, New Jersey 08097



Dear Mr. Perry:

In December of 1980 we had correspondence regarding the salt emission potential from the Hope Creek Cooling Towers. I said in my letter of December 17, 1980 that we would continue to follow this matter, particularly as it related to an ongoing monitoring program.

In this regard, I understand the cooling tower permits issued to Public Service Electric and Gas Company provide for inspection, evaluation and testing to assure conformance with the requirements of the State's Air Pollution Code.

Specifically, conditions in the permit require a quarterly report to the Department of Environmental Protection on cumulative particulate emissions. These will be calculated using salinity of the water in the tower basin and tower efficiency and reported on maximum pounds per hour and tons per year. In addition, the Company must:

1. Conduct a stack test for particulate emissions in accordance with specific regulations of the State.
2. Obtain for the Department of Environmental Protection, approval of the test procedures to be used.
3. Notify the Department of Environmental Protection field office at least 48 hours prior to the test.

In summary, we are convinced that based on data from the extensive research of Dr. Charles L. Mulchi, permit-specified emissions from the cooling towers will be far below the level which would cause any economically significant crop damage. Strict adherence to the limits and surveillance through approved monitoring, will insure a large margin of safety

Mr. Jay M. Perry

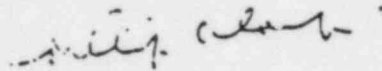
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March 25, 1981

without the additional use of control plots. Furthermore, the site will be closely followed by the Enforcement Division of the Department of Environmental Protection.

I hope this information will be of help and will assure your farmers that there is very little if any potential danger to crops attributable to future emissions from these cooling towers.

Sincerely,



Phillip Alampi

bpc: James A. Shissias ✓