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September 26, 1983

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83 SEP 28 P2:44

OFFICE OF SECRETARY
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BRANCH
ADDRESS: ATOMLAW

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

Dr. James H. Carpenter
Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

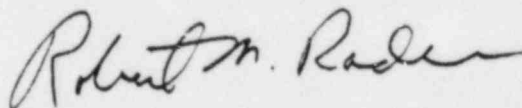
Dr. Peter A. Morris
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Gentlemen:

Enclosed is a copy of N.J.A.C. Title 15A, which we inadvertently failed to attach to our Answer served September 24, 1983.

Sincerely,



Robert M. Rader

cc: Service List

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TITLE 15A OFFICE OF SECRETARY
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BRANCH
DEPARTMENT OF THE PUBLIC ADVOCATE

SUBTITLE A. DIVISION OF PUBLIC INTEREST ADVOCACY

C (41015)

Supp. 3-20-78

CHAPTER 1

PUBLIC INTEREST ADVOCACY

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SUBCHAPTER 1. PRACTICE AND PROCEDURE

Authority

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 52:27E-1 et seq. and were filed and became effective on September 23, 1977, as R.1977 d.362. See: 9 N.J.R. 347(a); 9 N.J.R. 541(b).

15A:1-1.1 Scope of rules

The following provisions shall govern the practice and procedure of the Division of Public Interest Advocacy in the Department of the Public Advocate (hereafter "division").

15A:1-1.2 Liberal construction of provisions

The provisions shall be liberally construed to permit the division to discharge its statutory functions.

15A:1-1.3 Practice where rules do not govern

(a) The Public Advocate may rescind, amend or expand these rules from time to time as necessary to comply with N.J.S.A. 52:27E-28 et seq.; and such new rules shall be filed with the Secretary of State.

(b) In any matter not governed by these rules, the Public Advocate shall exercise his sole discretion.

15A:1-1.4 Jurisdiction

The division may represent the public interest in administrative and court proceedings, pursuant to N.J.S.A. 52:27E-28, et seq. The scope of representation may include, but not be limited to, investigations, negotiations, proposed rulemaking and litigation on behalf of either plaintiff or defendant. Litigation includes intervention in administrative or court proceedings, and

amicus representation in such proceedings.

15A:1-1.5 "Public interest" defined

"Public interest" is an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens.

15A:1-1.6 Decision to represent particular public interest

(a) The division may not represent the public interest without the approval of the Public Advocate. The Public Advocate shall have sole discretion to represent or refrain from representing the public interest in any proceeding.

1. In determining the importance of the public interest involved, the Public Advocate may consider one or all of the following:

i. Whether the issue affects the health, safety or general welfare of the citizens affected;

ii. Whether the issue concerns governmental operations at either the Federal, State, county or municipal level which, if unresolved, will impair the quality of government services to the citizens affected; or otherwise affect the relationship of citizens to government;

iii. Whether the issue has a substantial economic impact on the citizens affected;

iv. Whether the issue has a substantial economic impact on municipal, county, State or Federal government;

v. Whether the issue may have substantial precedential value; and

vi. Whether the issue otherwise substantially affects the quality of life for the citizens affected.

2. In determining the extent of the public interest involved, the Public Advocate shall consider whether the number of citizens affected in the particular action or its resolution is substantial.

3. In determining whether the public interest would be adequately represented without the action of the department, the Public Advocate may consider one or all of the following:

i. Whether that interest is being fully represented by private parties; the Public Advocate may determine to become involved even if the primary parties to the dispute are represented, if such parties may not represent the full public interest in the dispute;

ii. Whether the citizens affected are members of a group, association, or political subdivision which can practically provide representation and such group representation will fully represent the public interest as well; and

iii. Whether the citizens affected have sufficient financial ability or incentive to retain competent counsel.

4. The Public Advocate may refrain from representing any public

interest if it appears the cost of representation to the State substantially outweighs the public interest involved.

5. Where several public interests are involved in a single dispute or litigation, the Public Advocate may examine each interest and elect to represent one interest.

6. Where there are several conflicting public interests involved in a single dispute or litigation, the Public Advocate may choose to have the division represent one interest and arrange for separate representation of the conflicting interest or interests. Alternatively, the Public Advocate may choose to refrain from representing any of the competing interests.

15A:1-1.7 Public information, submissions and requests

(a) The division has no formal procedures or forms for making requests for legal representation or requesting information. Such requests shall be made by writing to the departmental headquarters in Trenton specifying the nature of the request or information desired. Denials of any requests for legal representation or information shall be in writing and shall specify the reasons for the denial.

(b) Any citizen who for whatever reason contacts the division in writing shall receive a prompt reply.

(c) Any person who is aggrieved by a decision of the Public Advocate made pursuant to subsections (a) and (b) of this section, and who wishes to seek modification or reversal of such decision shall request reconsideration by writing to departmental headquarters in Trenton specifying the basis upon which reconsideration is sought. There shall be a prompt written reply to the request for reconsideration which shall be responsive to the grounds asserted in the request and which shall set forth in detail the basis of the decision on reconsideration. The decision on reconsideration shall constitute the final agency determination.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Public Service Electric and
Gas Company

(Hope Creek Generating
Station)

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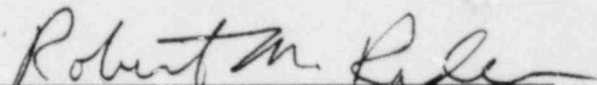
Docket No. 50-354-01
SECRETARY
DOCKETING & SERVICE
BRANCH

NOTICE OF APPEARANCE

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

Name	-	Robert M. Rader
Address	-	Conner & Wetterhahn, P.C. Suite 1050 1747 Pennsylvania Avenue, N.W. Washington, D.C. 20006
Telephone Number	-	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 and Gas Company

Notice is further given pursuant to §2.708, 10 C.F.R. Part 2, that service upon the Applicant should be made upon the undersigned.


Robert M. Rader

Dated at Washington, D.C.,

this 26 day of September, 1983.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Public Service Electric and
Gas Company

(Hope Creek Generating
Station)

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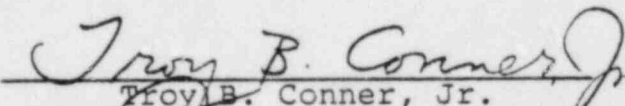
OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket No. 50-354-OL
BRANCH

NOTICE OF APPEARANCE

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

Name	-	Troy B. Conner, Jr.
Address	-	Conner & Wetterhahn, P.C. Suite 1050 1747 Pennsylvania Avenue, N.W. Washington, D.C. 20006
Telephone Number	-	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 and Gas Company

Notice is further given pursuant to §2.708, 10 C.F.R. Part 2, that service upon the Applicant should be made upon the undersigned.


Troy B. Conner, Jr.

Dated at Washington, D.C.,

this 26th day of September, 1983.

'83 SEP 28 P2:45

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Notice of Appearance for Troy B. Conner, Jr." and "Notice of Appearance for Robert M. Rader," dated September 26, 1983 in the captioned matter has been served upon the following by deposit in the United States mail this 26th day of September, 1983:

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

Dr. Peter A. Morris
Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and
Licensing Board Panel
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Theodore C. Granger
Deputy Public Advocate
Department of the Public
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Division of Rate Counsel
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Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

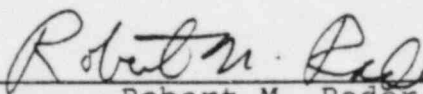
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Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Docketing and Service
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U.S. Nuclear Regulatory
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Washington, D.C. 20555

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