

August 8, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
PUBLIC SERVICE ELECTRIC AND)
GAS CO., ET AL)
(Hope Creek Generating Station,)
Unit 1))

Docket No. 50-354-0L

STAFF'S RESPONSE TO INTERVENOR'S
MOTION FOR EXTENSION OF TIME

On July 30, 1984, Public Service Electric and Gas Company (Applicant) filed a Motion entitled "Applicant's Motion to Compel Designation of Witnesses and Their Availability for Depositions and/or Dismiss the Proceeding." In a motion dated August 3, 1984, the Public Advocate of the State of New Jersey (the Public Advocate) has requested a sixty day extension of time to respond to Applicant's Motion.

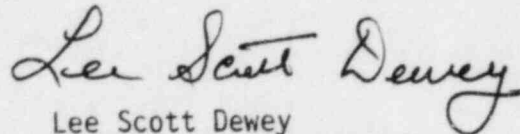
The reason furnished by the Public Advocate for this extension is that its lead counsel, William Potter, has recently left the Public Advocate's Office. Additional time is necessary, according to the Public Advocate, to assign counsel and select and consult with expert witnesses. The Public Advocate believes that if this extension is granted, Applicant's Motion will become moot since the names of witnesses will be furnished by that time.

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Although Staff believes that a sixty day period for responding to Applicant's Motion would be excessive for the purposes enumerated by the Public Advocate, we would not object to a thirty day extension.^{1/}

Respectfully submitted,



Lee Scott Dewey
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 8th day of August, 1984

^{1/} Although the Public Advocate request for an extension does not deal with the merits of Applicant's Motion, Staff notes that the Applicant's request for dismissal of this proceeding, based upon the Public Advocate's failure to designate expert witnesses, appears of doubtful validity. An intervenor is not required to develop its case in an NRC proceeding by the use of his own expert witnesses, but rather may do so by the cross-examination of Applicant and Staff witnesses. See Tennessee Valley Authority (Hartsville Nuclear Plant, Units 1A, 2A, 1B, 2B), ALAB-463, 7 NRC 341, 356 (1978), rehearing denied, AALB-467, 7 NRC 459 (1978).

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In the Matter of)
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PUBLIC SERVICE ELECTRIC AND)
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(Hope Creek Generating Station,)
Unit 1))

Docket No. ~~050-354-01~~
SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "STAFF'S RESPONSE TO INTERVENOR'S MOTION FOR EXTENSION OF TIME" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 8th day of August, 1984:

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

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

Dr. David R. Schink
Administrative Judge
Department of Oceanography
Texas A & M University
College Station, TX 77840

Troy B. Conner, Jr., Esq.
Conner & Wetterhahn
1747 Pennsylvania Avenue, N.W.
Suite 1050
Washington, D.C. 20006

Richard Fryling, Jr., Esq.
Assistant General Solicitor
Public Service Electric & Gas Co.
80 Park Plaza T5E
Newark, New Jersey 07101

Richard F. Engel, Deputy Atty. Gen.
Division of Law
Environmental Protection Section
Richard J. Hughes Justice Complex
CN-112
Trenton, New Jersey 08625

Director, Division of
Environmental Control
Tatnall Building
Dover, Delaware 19901

Susan C. Remis, Esq.
Staff Attorney, Department of
the Public Advocate
Division of Public Interest Advocacy
CN-850, Justice Complex
Trenton, New Jersey 08625

Attorney General
Tatnall Building
Dover, Delaware 19901

Mr. W. H. Bateman
Resident Inspector, USNRC
P.O. Box 241
Hancocks Bridge, New Jersey 08038

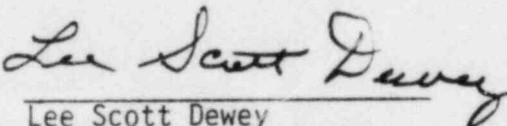
Atomic Safety and Licensing
Board Panel*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Carol Delaney, Esq.
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, Delaware 19801

Mr. Ken Koschek
Planning Group
Department of Environmental
Protection
State of New Jersey
CN 402
Trenton, New Jersey 08625


Lee Scott Dewey
Counsel for NRC Staff