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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Marshall E. Miller, Chairman  
Peter A. Morris  
David R. Schink

DOCKETED  
USNRC

'84 AGD 13 AIO:08

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of  
  
PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY, et al.  
  
(Hope Creek Generating Station,  
Unit 1)

Docket No. 50-354-OL

SERVED AUG 13 1984

August 10, 1984

ORDER

On July 30, 1984, the Applicants filed a "motion to compel designation of witnesses and their availability for depositions and/or dismiss the proceeding." In a motion dated July 30, the Public Advocate of New Jersey requested a sixty-day extension of time to respond to the motion. The Staff responded on August 8, stating that a sixty-day extension was too long but it would not object to a thirty-day extension.

The Public Advocate has not shown good cause for its request at this time. In our Order entered December 21, 1983, all parties were directed to commence discovery immediately and to proceed with expedition (page 19). Subsequent discovery sought to identify the expert witnesses who could explain or support the admitted contentions,

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but such information has apparently not been produced. Although lead counsel for the Public Advocate (William Potter, Esq.) withdrew his appearance on June 29, 1984, apparently even now the intervenor is "in the process" of assigning new counsel to the case, so there would then be more delay in "the process of selecting expert witnesses" (Intervenor's Motion, page 2). Such dilatory conduct cannot be condoned. Our adopted schedule cannot be disregarded simply by referring to fuel loading or other dates. We further take note of the Public Advocate's testimony regarding his role in "monitoring" this proceeding, given May 10, 1984 before the New Jersey Senate Energy and Environment Committee (pages 5, 8-10, 12). Contested operating license adjudicatory hearings are provided by the NRC only if there is at least one admitted intervenor who can plead one or more viable contentions. Such adjudicatory proceedings are expensive and time-consuming for taxpayers and ratepayers, and are not held merely to provide a Public Advocate with a less-expensive opportunity to "monitor" the NRC Staff.

The Public Advocate of New Jersey will be given to and including August 20, 1984, to identify its witnesses and to make them reasonably

available for depositions within two weeks thereafter. Noncompliance with such dates may be grounds for dismissal or other sanctions.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Marshall E. Miller*  
Marshall E. Miller, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 10th day of August, 1984.