



State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
DIVISION OF PUBLIC INTEREST ADVOCACY

JOSEPH H. RODRIGUEZ
PUBLIC ADVOCATE

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RICHARD E. SHAPIRO
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TEL: 609-292-1693

August 28, 1984

Mr. Albert Schwencer, Chief
Licensing Branch No. 2
Division of Licensing
7920 Norfolk Avenue, Room 144a
Bethesda, MD 20814

Dear Mr. Schwencer:

Enclosed is a duplicate copy of the Department of the Public Advocate's comments on the draft environmental statement relating to Hope Creek. Although we placed these comments in federal express mail on August 21, 1984 for delivery to your office on August 22nd, David Wagner of your office first informed me today that you never received our comments.

I apologize for any inconvenience caused by this delay.

Sincerely,

Susan Remis
Assistant Deputy Public Advocate

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JOSEPH H. RODRIGUEZ
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RICHARD E. SHAPIRO
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TEL: 609-992-1603

August 21, 1984

Mr. A. Schwencer, Chief
Licensing Branch No. 2
Division of Licensing
United States Nuclear Regulatory Commission
7920 Norfolk Avenue, Room 144a
Bethesda, MD. 20555

Re: Hope Creek Generating Station
Docket No. 50-354

Dear Mr. Schwencer:

We are writing to provide the comments of the Department of the Public Advocate on the Draft Environmental Statement (DES) related to the operation of the Hope Creek Generating Station. Our principal overall concern is that the DES fails to evaluate the cumulative risks and environmental impacts of the Hope Creek Generating Station and the Salem Nuclear Generating Station, which is already located on Artificial Island. Since the two facilities are in close proximity to each other, there will obviously be cumulative risks and impacts that will be greater than the individual risks and impact of the Hope Creek Generating Station. As a consequence, these cumulative risks and impacts must be carefully determined and assessed by the staff prior to any FES on the Hope Creek Generating Station. Kleppe v. Sierra Club, 427 U.S. 390, 410, 414 n. 26, 96 S. Ct. 2718, 2730, 2732 n. 26 (1976).

In addition to this overarching problem with the DES, the Public Advocate also submits the following comments on specific provisions of the DES:

Section 4.2.3.2:

The DES recognizes that the applicant is required to "develop plans for a supplemental water storage reservoir to compensate for consumptive water use from the Delaware River" under certain circumstances. While an application has been filed with the Delaware River Basin Commission (DRBC) and is under review, the DES cannot measure surface water use until that application has been ruled upon. Therefore, the surface water use section is deficient in the absence of a final DRBC disposition.

Section 4.2.5:

Obviously, intervenors are in no position to comment on the NRC's view of the radioactive waste management system until the staff's detailed evaluation is presented in the SER, which is to be issued in October 1984. We will defer any comments until the release of the report except to note that the DES is inadequate at the present time without this indispensable assessment.

Section 4.3.5.1:

The DES states that the Hope Creek Station should not affect the success of the reintroduction of endangered species through artificial nesting. Yet, the DES states this as a conclusion and provides no reason or explanation why Hope Creek will not affect this activity.

Additionally, the DES should demonstrate that Hope Creek will not adversely affect the osprey. The DES's conclusory statements in this regard do not provide a reasoned explanation.

Section 5.3.1.1:

See comment above relating to Section 4.2.3.2.

Section 5.3.2.1:

The intervenor seriously questions whether any informed determination relating to surface water quality can be reached prior to completion of the applicant's chlorination study. The biofouling experienced at the Salem Generating Station necessitates an overall reevaluation of chlorination procedures to insure that surface water quality is preserved. The staff should have this information prior to drafting the FES.

Section 5.3.3:

The staff's conclusions that considerations of alternative locations for any structures identified as being in the floodplains is neither required nor practicable is unexplained, and not evident from the DES.

Section 5.6.1:

The assumption that the osprey will not be adversely affected by the Hope Creek operation is not sufficiently

documented. Assessing the impact resulting from the operation of Salem alone does not provide an evaluation of the cumulative impact on the osprey.

Section 5.9.3.2:

The intervenor is concerned about any evaluation of the operation of the radioactive waste treatment systems until the detailed evaluation of the system is presented in the SER. The capability of the system to meet the requirements of Appendix I will not be evaluated until the October 1984 report and a proper assessment of the radiological impact of the plant on humans must await that information.

Pages 5-46:

The basis for the staff's reliance on a generic study involving PWRs for the probabilities relating to a Hope Creek BWR is not adequately explained. The assumption that "it is unlikely that . . . [the] core-melt liquid pathway release for the BWRs would exceed that conservatively estimated for the LPGS" is not documented, and the reasons supporting this assumption are not discussed.

Section 5.14.2:

The intervenor questions the appropriateness of the NRC's reliance on the State of New Jersey for the protection of water quality and aquatic biota. Intervenor submits that this ecological monitoring should still be part of NRC oversight of the operation of the Hope Creek Generating Station and should not be delegated to a state agency.

Section 5.14.3:

The FES cannot be prepared until the applicant has submitted the additional information required by the staff (5-62).

Section 6.4.2:

In calculating the benefits of the Hope Creek Station, the DES assumes that the unit will operate at an annual average capacity factor of 55%. However, experience with the applicant's operation of the Salem reactors demonstrates that the projected annual average capacity is substantially greater than the actual average annual operating capacity of these two plants. Realistic projections based on past experience of the applicant with similarly situated facilities should be utilized rather than assumptions that are inconsistent with this experience.

August 21, 1984

Appendix F:

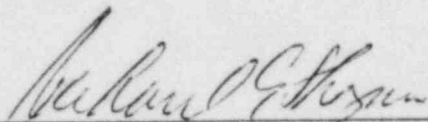
The DES is deficient in that neither the staff nor the licensee conducted a probabilistic risk assessment (PRA) for Hope Creek. We submit that such a PRA must be conducted and that the extrapolation of data is inappropriate in these circumstances.


Thank you for your consideration of the above comments. If you have any questions, please contact either of the undersigned.

Sincerely yours,

JOSEPH H. RODRIGUEZ
Public Advocate, State of New Jersey

By:


RICHARD E. SHAPIRO
Director
Division of Public Interest Advocacy


SUSAN REMIS
Assistant Deputy Public Advocate

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

PUBLIC SERVICE ELECTRIC :
AND GAS COMPANY (HOPE : Docket No. 50354OL
GENERATING STATION) :

CERTIFICATE OF SERVICE

I hereby certify that copies of "Intervenor's Comments to the Draft Environmental Statement Related to the Operation of the Hope Creek Generating Station" dated August 21, 1984, in the abovecaptioned matter, have been served upon the following by deposit in the United States mail on this 21st day of August, 1984:

Mr. A. Schwencer, Chief
Licensing Branch No. 2
Division of Licensing
United States Nuclear Regulatory Commission
Washington, D.C. 20555

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

Honorable Peter A. Morris
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Honorable David R. Schink
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

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

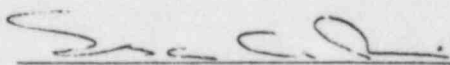
Lee Scott Dewey, Esquire
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Richard E. Shapiro, Director
Division of Public Interest Advocacy


Susan C. Remis
Assistant Deputy Public Advocate

Dated: August 21, 1984