



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 10, 1979



Russell W. Busch, Esq.
Attorney for Upper Skagit Indian
Tribe and Sauk-Suiattle Indian
Tribe
Evergreen Legal Services
520 Smith Tower
Seattle, Washington 98104

In the Matter of Puget Sound Power & Light Company, et al.
(Skagit Nuclear Power Project, Units 1 and 2)
Docket Nos. STN 50-522 and STN 50-523

Dear Mr. Busch:

This is in response to your letter to me dated August 2, 1979 and to a separate letter to me dated August 1, 1979 from Steve Fransen, Biologist, Skagit System Cooperative. Both of these letters reference a statement made by me during an informal conversation with the Skagit intervenors in which I indicated that, to the best of my knowledge, the concerns raised by the Indian Tribes regarding the impact to Skagit River fisheries had been evaluated by the NRC Staff and discussed with the Cooperative biologists. I also indicated that it was my understanding that after these discussions, many of the concerns had been addressed and resolved to the satisfaction of the Cooperative biologists.

After checking with the Staff's aquatic biologist, Dr. Goldstein from Argonne National Laboratory, I realize that there was a misunderstanding on my part regarding the degree that the Cooperative's doubts had been alleviated. It is now clear to me that the Cooperative biologists still have concerns regarding these impacts which have not been resolved or addressed to their satisfaction. The Staff continues to be amenable to discussing the Cooperative's concerns and invite Mr. Fransen to communicate his views to the NRC Staff biologists. This would include Dr. Goldstein as well as Dr. Donald Watsen from Battelle Northwest Laboratories who has been retained by the Staff to evaluate these impacts. It is also my understanding that Russell Orrell, a biologist with the State of Washington Fisheries Department, has evaluated these impacts and would be willing to discuss them with the Cooperative biologists.

I believe you are correct when you state that Battelle has indicated to the Tribes that it would not be able to assist them, through the Department of Energy, in this proceeding. This is a simple matter of a conflict of interest. Since Battelle has already been retained by the NRC to evaluate the fisheries impacts

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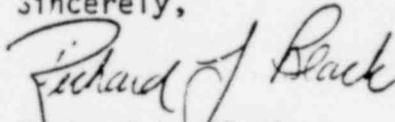
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from the Skagit project, it would be a conflict of interest on their part to assist another or a potential party in this proceeding.

Finally, enclosed for your use is a copy of the Staff's Safety Evaluation Report, Supplement No. 1.

Sincerely,

A handwritten signature in cursive script that reads "Richard L. Black". The signature is written in dark ink and is positioned above the typed name.

Richard L. Black
Counsel for NRC Staff

Enclosures: As stated

cc w/o encl: T. Thomsen
R. Leed

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