



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
PUGET SOUND POWER & LIGHT)	Docket Nos. 50-522
COMPANY, et al.)	50-523
)	
(Skagit Nuclear Power Project,)	October 3, 1979
<u>Units 1 and 2)</u>)	

APPLICANTS' ANSWER TO GREENPEACE'S
PETITION TO INTERVENE

BACKGROUND

On December 20, 1974, the Commission published in the Federal Register its notice of hearing in this proceeding. 39 Fed. Reg. 44065. That notice fixed January 20, 1975 as the deadline for filing petitions to intervene. Four years and eight months later, Greenpeace Foundation, by its letter dated September 13, 1979, petitioned to intervene as a party in this proceeding.¹

¹Applicants' received the Petition to Intervene dated September 13, 1979 from Greenpeace in an envelope postmarked

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Greenpeace explains in its Petition to Intervene that it is a nonprofit environmental organization with offices in Vancouver, British Columbia. Vancouver is approximately 60 to 65 miles northwest of the Skagit site. FES follows Tr. 2913, Fig. 2.5. Greenpeace states that it is incorporated under British Columbia law² and has 17,000 paid members in that province. It claims to represent the interest of its members; however, at one point, it also claims to represent the "residents of British Columbia in general."³ Petition to Intervene, p. 3. Greenpeace has neither filed an affidavit by one of its members supporting or authorizing the Petition to Intervene, nor listed its contentions or the basis for each contention.

September 18, 1979. No proof of service accompanied the Petition to Intervene. Although the Petition to Intervene had not been filed in conformity with the Commission's regulations, Applicants assume that it has been accepted for filing. Applicants have used September 18, 1979 as the date of filing by mail.

²The certificate dated May 4, 1972 from the British Columbia office of the Registrar of Companies (attachment A hereto) indicates that the nonprofit organization was originally incorporated on October 5, 1970 and changed its name to Greenpeace Foundation by resolution passed on January 21, 1972. Greenpeace's existence thus predates the announcement of the Skagit Project in January 1973.

³Greenpeace is not authorized to represent the public interest. Further, the Commission's regulations make no allowance for parties to act as private attorneys general on the public's behalf. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-77-11, 5 NRC 481, 484 (1977).

In the four years and eight months between the deadline for filing petitions to intervene and Greenpeace's Petition to Intervene, extensive evidentiary hearings have been conducted in this proceeding. There were sessions in July-August 1975, June, July and August of 1976, March, May and July of 1977, March and June of 1978, and July and August of 1979. The transcript now exceeds 18,000 pages. The record has been closed and the schedule for findings of fact has been established on the majority of environmental subjects, including aquatic and terrestrial impacts of construction and operation of the Project, the environmental effects of radiological releases during normal and abnormal operation, and the potential impact to migratory birds, including bald eagles. At present, the parties are vigorously working towards completion of evidentiary hearings on the remaining LWA and construction permit issues. Applicants hope to see the completion of such hearings this fall.

With such an extremely late Petition to Intervene, Greenpeace bears an extremely heavy burden to justify its failure to file on time. The tenuous excuses offered by Greenpeace can hardly be construed as good cause for allowing late intervention. Greenpeace's justification based on lack of notice to it of the proceeding is, in fact, false. While timeliness considerations conclusively resolve the matter, the Petition to

Intervene is also deficient in that Greenpeace has failed to make an adequate showing of standing to intervene in this proceeding.

TIMELINESS

Section 2.714(a)(1) of the Commission's Regulations, 10 CFR 2.714(a)(1), sets forth the following standards specifically applicable to late intervention petitions:

Nontimely filings will not be entertained absent a determination by the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the following factors in addition to those set out in paragraph (d) of this section:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

In the following pages, Applicants will evaluate the Petition to Intervene in light of these five factors.

First Factor

Petitioning to intervene more than 4-1/2 years late places an extraordinary burden on Greenpeace to excuse their failure to file on time. The excuse that they offer is lack of notice. They observe that the notice of hearing was published only in the United States. To the best of Applicants' knowledge, this observation is correct. More important to their position that they never received notice is their claim of "lack of any publicity formal or informal in British Columbia prior to June 18, 1979." Petition to Intervene, p. 4. On that date, they allegedly received notice via a newspaper story.

Even upon first glance, this excuse seems outlandish. How can an environmental organization presently representing 17,000 British Columbians exist for so many years (it has been over six years since the Skagit Project was announced in January 1973) without being aware of a proposed nuclear project some 35 miles south of the border? The truth is that Greenpeace has for a long time been aware of the Skagit Project. In the Spring 1976 edition of its monthly periodical, Greenpeace Chronicles, Greenpeace published an article entitled, "'76 Atomic Reactions." That article (attachment B hereto) states, in part,

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STILL CLOSER TO HOME, preliminary federal hearings have been held in the application of Puget Sound Power & Light Company to build at least two 1,280 MW boiling water reactors at a site near Sedro Woolley, Wash. only 60 air miles upwind from Vancouver. The stacks of these proposed plants would, on a regular basis, emit some two dozen radioactive isotopes into the atmosphere. In addition the site of the plants is located in a region geologists recognize as one of the three high risk seismic areas in the continental United States only eight miles from a major fault line.

Hence, as shown by its own publicity, Greenpeace has known of the Skagit Project since early 1976. Its proffered excuse of "lack of notice" is not only baseless, but it is flatly erroneous.

Limited appearances in this proceeding establish that Canadians and Canadian environmental organizations have for many years been fully aware of plans for the Skagit Project. On the very first day of evidentiary hearings (July 16, 1975), a limited appearance opposing the project was made by Flemming Hansen on behalf of the Vancouver Environmental Laws, under association of the B. C. Environmental Council and the Committee on Scientific Pollution and the Environmental Control Society. Tr. 194. At hearings one year later (July 8, 1976), the Citizens Association to Save the Environment, from Victoria, British Columbia, and the Sierra Club of Western Canada stated their opposition to the Project. Tr. 6084-85. During August 1976 hearings, more than 20 citizens from British

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Columbia filed letters opposing the Project. Tr. NFP 66, 257 et seq., 538, 540, 815, 1250, 1539-41. Groups represented by these letter writers included the British Columbia Voice of Women, the Canadian Coalition for Nuclear Responsibility and the Women's International League for Peace and Freedom. Also at this time, a British Columbian member of the Canadian House of Commons wrote to express his concern about the plant. Tr. NFP 814. In July 1977, another Canadian spoke on behalf of 2,000 British Columbians opposed to nuclear power. Tr. 7375.

Contrary to Greenpeace's claim, the media in British Columbia publicized the Skagit Project long before June 18, 1979. A number of articles from the Vancouver Sun, one of the province's largest daily newspapers, about aspects of the Skagit Project are set forth in attachment C. These articles report on the plans in 1973 for a nuclear plant in Skagit County, county zoning hearings in 1974, state NPDES hearings in 1975, hearings in this proceeding in 1975, and approval of the state certification in 1976. A Canadian TV program on August 11, 1976, which was broadcast in the Vancouver area, specifically addressed the plans for the Skagit Project. Tr. NFP 275. Western Washington newspapers and television and radio programs are, at least to some degree, circulated and broadcast in British Columbia. Without a doubt, Greenpeace

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members and other citizens of British Columbia have been informed of the Skagit Project through the media over the past several years. As we have seen, Greenpeace had actual knowledge of the plant as early as spring 1976.

Finally, the Canadian government has been kept informed of developments in this proceeding over the last several years.⁴ Beginning in September 1976, both the NRC Staff and Applicants placed the Canadian Consulate General's office in Seattle on their service list. Since then, the various pleadings and other filings have been sent to that office.

Therefore, Greenpeace has failed completely to provide good cause for its failure to file its Petition to Intervene on time. They represented that they never received even informal notice of the Skagit Project, when three and one-half years earlier they objected to the Project in their own periodical. Even if there was not such evidence of Greenpeace having notice, knowledge of the Skagit Project among British Columbians and especially environmental organizations has been widespread for several years. Therefore, Greenpeace's delay in requesting intervention is inexcusable.

⁴The Atomic Energy Commission Board of the Canadian government was sent a copy of the Draft Environmental Statement in July 1975 and asked for its comments. FES, follows Tr. 2913, p. ii. Whether that impact statement received wider circulation within federal or provincial government is not known.

Factors Two through Five

As the Appeal Board stated in this proceeding with respect to another petition to intervene, which was not quite as tardy as Greenpeace's Petition to Intervene:

[P]etitioners for intervention who inexcusably miss the filing deadline but by not merely months, but by several years, have an enormously heavy burden to meet.

Puget Sound Power & Light Company (Skagit Nuclear Power Project, Units 1 and 2), ALAB-559, 10 NRC _____ (August 31, 1979, slip opinion p. 21). Having failed to excuse their years of tardiness, Greenpeace therefore must make a particularly strong showing on the other four factors under 10 CFR 2.714(a)(1).

Puget Sound Power & Light Company (Skagit Nuclear Power Project, Units 1 and 2), ALAB-552, 10 NRC _____ (July 9, 1979, slip opinion p. 7); Duke Power Company (Perkins Nuclear Station, Units 1, 2, and 3), ALAB-431, 6 NRC 460, 462 (1977).

Greenpeace's showing on the other four factors falls far short of meeting this burden. They offer only a single argumentative sentence on each factor, with no supporting factual presentation. Petition to Intervene, pp. 4, 5. On the second factor (the availability of other means to protect their interest), they state that only Greenpeace "is best informed and best able to recognize and represent factors affecting its unique interest." Id., p. 4. This statement, of course,

evades the pertinent issue, which is whether there are alternative means available to Greenpeace. Further, since Greenpeace's interests are "to develop principles and techniques of ecological management and to foster the development of environmental awareness" (Id., p. 2), the advancement of these educational goals would seem to be achievable without participation in a licensing proceeding. In any event, Greenpeace's showing with respect to the second factor is deficient.

On the third factor under 10 CFR 2.714(a)(1) (the extent to which a petitioner's participation may reasonably be expected to assist in developing a sound record), Greenpeace argues that data on Canadian subjects, such as geology and fishing interests, would allow a more complete overview of the effects of the Project. Id., p. 5. Greenpeace does not demonstrate, let alone even address, its capability to contribute on any of these "Canadian" subjects. They also do not indicate what infirmities there might be in the current record and what hard evidence they could present to remedy those infirmities. Hence, Greenpeace's showing on this factor is inadequate.

Their showing on the fourth factor is similarly deficient. That factor is the extent to which a petitioner's interest will be represented by existing parties. All that Greenpeace offers is a conclusionary statement that other parties "will not be representing Canadian interests." Id.

Greenpeace is qualified to represent only its members' interest, and not the broader public interest of residents of British Columbia. Further, they provide no explanation of why existing intervenors are not well qualified to present contentions and evidence, as SCANP has, on those subjects (fisheries, radiation, evacuation, geology, migratory birds, and agricultural interests), about which Greenpeace has expressed some concern. Id., p. 2, 3.

Greenpeace also has not established that its participation would not delay this proceeding, which is the fifth factor under 10 CFR 2.714(a)(1). With respect to this factor, the Appeal Board has stated in this proceeding:

In the instance of a very late petition, the strength or weakness of the tendered justification may thus prove crucial. For, obviously, the greater the tardiness the greater the likelihood that addition of a new party will delay the proceeding -- e.g., by occasioning the relitigation of issues already tried. Although the delay factor may not be conclusive, it is an especially weighty one. (Footnotes and citations omitted.)

ALAB-552, p. 7, 8. Judging by the concerns expressed by Greenpeace (they have not propounded any contentions), we can only conclude that Greenpeace would, if allowed to intervene, seek to relitigate many issues that have already been tried. The result would be delay. Greenpeace has done nothing to dispel this conclusion.

Therefore, Greenpeace's demonstration on factors two through five of 10 CFR 2.714(a)(1) is as deficient as its showing with respect to the first factor. Having failed to satisfy the Commission's regulation regarding late petitions to intervene, Greenpeace's Petition to Intervene should be denied.

STANDING

Under Section 189 of the Atomic Energy Act of 1954, as amended, and 10 CFR 2.714(a), a petitioner for intervention as a matter of right in an NRC licensing proceeding must allege an "interest [which] may be affected by" that proceeding. Contemporaneous judicial concepts of standing should be used to determine whether an interest has been sufficiently alleged. A petitioner must allege both "injury in fact" and an interest that is "arguably within the zone of interest protected by the statute." Portland General Electric, Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-614 (1976).

Greenpeace has failed to establish standing under the above standard either in its own right as an organization or, derivatively, as the representative of its members.⁵ The

⁵Greenpeace seeks to be made a party to represent its members. This suggests that their purported standing is derivative. However, at other parts of the Petition to

reason is that the Petition to Intervene lacks allegation of injury sufficient to satisfy the requirement of "injury in fact." This requirement is set forth in 10 CFR 2.714(a)(2), which states, in part, "the petition shall set forth with particularity the interest of the petitioner in the proceeding, [and] how that interest may be affected by the results of the proceeding." (Emphasis added.)

Greenpeace stated its organizational interests in broad and general terms. It described its aims and objectives as developing principles and techniques of ecological management and fostering greater environmental awareness. Petition to Intervene, pp. 1, 2. In Sierra Club v. Morton, 405 U.S. 727, 739 (1972), the Supreme Court, confronted with similar generalized interests,⁶ found that the Sierra Club lacked standing because:

[A] mere "interest in a problem," no matter how long-standing the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render the organization

Intervene, Greenpeace discusses its organizational purposes. Accordingly, Applicants have assessed both organizational and derivative standing in this memorandum.

⁶Sierra Club asserted its "special interest in the conservation and the sound maintenance of the national parks, game refuges and forests of the country." 405 U.S. at 735, fn. 8. Greenpeace's stated interest is comparably broad. Petition to Intervene, pp. 1-2.

"adversely affected" or "aggrieved" within the meaning of the APA.⁷

Greenpeace must establish its organizational standing in terms of the final result of this proceeding. Edlow International Co., CLI-76-6, 3 NRC 563, 574 (1976). No causal nexus exists between a denial of Greenpeace's request to intervene and any possible impairment of its aims and objectives. Greenpeace thus has not established standing in its own right as an organization.

Nor is the Petition to Intervene sufficient to establish standing derivatively through Greenpeace's members. The Appeal Board has recognized that an organization can establish standing derivatively, where specific members are identified, how their interests may be affected is indicated, and where the members authorization of the organization is stated. Allied-General Nuclear Services (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420, 422 (1976). Greenpeace has neither identified specific members, indicated how particular members' interests might be affected, nor demonstrated members' authorization.

⁷Although Sierra Club involved the APA rather than 10 CFR 2.714, the Appeal Board has previously observed that Sierra Club provides appropriate guidance in evaluation of intervention petitions filed in licensing proceedings. Gulf States Utilities Co. (River Bend Station, Units 1 and 2), ALAB-183, 7 AEC 222, 227, fn. 11 (1974).

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In Barnwell, the Appeal Board affirmed a denial of standing to the American Civil Liberties Union of South Carolina (ACLU/SC) because its petition was lacking "particularization of how the interests of one or more members of the ACLU/SC might be adversely affected by the grant of the sought materials license." The fatal deficiency was failure to particularize the interest that might be injured, further complicated by a failure to supply affidavits from members stating their particular concerns and why they wished the organization to represent their interests. The same insufficient showing marked by lack of particularity and absence of affidavits is apparent in this case.

This lack of particularization of stated interests is not cured by Greenpeace's enumerations under "Effects of these proceedings on the Petitioner's interest." Petition to Intervene, pp. 2-3. There, Greenpeace expressed generalized concerns of possible harm to both its members and the public. Even if there is a generalized asserted harm, Greenpeace must still show a distinct and palpable harm to it or its members to meet the "injury in fact" test. Ten Applications for Low-Enriched Uranium Exports to EURATOM Member Nations, 6 NRC 525, 531 (1977). Greenpeace's generalized concerns do not differ in any way from those of other people located in the general vicinity.

In addition to no identification of members, and no particularization of harms, the Petition to Intervene lacks authorization by members to have the organization represent their interests. Although in some circumstances membership authorization will be presumed,⁸ that presumption would be inappropriate here. Greenpeace can offer no evidence that the organization was formed for the specific purpose of advancing opposition to nuclear power or the Skagit project. Nothing in the aims and objectives of the organization suggests that, by joining Greenpeace, a person was authorizing that organization to represent whatever interest he or she might have with regard to a proposed nuclear power plant.

⁸In Houston Light and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC _____ (April 4, 1975), the Appeal Board stated that the presumption of authorization might be appropriate,

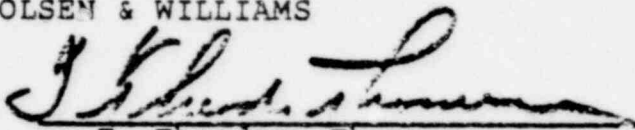
[W]here it appeared that the sole or primary purpose of the petitioner organization was to oppose nuclear power in general or the facility at bar in particular. In such a situation, it might be reasonably inferred that, by joining the organization, the members were implicitly authorizing it to represent any personal interests which might be affected by the proceeding.

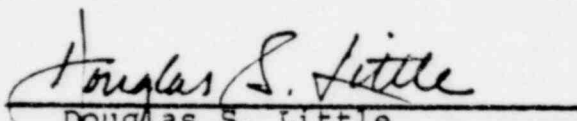
CCH Nuclear Regulation Report, p. 28, 947.

By failing to sufficiently allege an "interest affected by the proceeding" as required by 10 CFR 2.714, Greenpeace has not established standing, either in its own right or derivatively through any of its members. Absent this threshold requisite, the Petition to Intervene should be denied.

Respectfully submitted,

PERKINS, COIE, STONE,
OLSEN & WILLIAMS

By 
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By 
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Certificate

"SOCIETIES ACT"

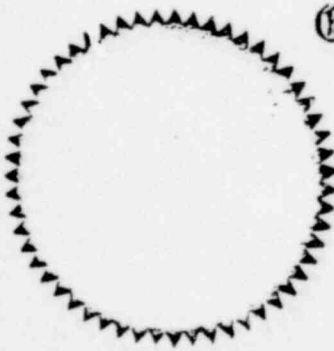
Canada
Province of British Columbia

I Hereby Certify that ~~DON'T MAKE A WAVE OCCURRENCE~~

incorporated on the fifth day of October, one thousand nine hundred and

seventy under Certificate No. 8961 soc., has pursuant to the "Societies

Act" changed its name and is now known as GREENPEACE FOUNDATION.



Given under my hand and seal of office at

Victoria, B.C. this fourth

day of Nov, one

thousand nine hundred and seventy-two

A. H. HALL

Registrar of Companies

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8461 (sec)

SOCIETIES' ACT

EXTRAORDINARY RESOLUTION

At a meeting of the Directors and Members of DON'T MAKE A WAVE COMMITTEE duly convened and held at Vancouver, British Columbia, on the 21st day of January, A.D. 1972, the following Extraordinary Resolution was duly passed;-

UPON MOTION duly made, seconded and unanimously carried, IT WAS RESOLVED as an Extraordinary Resolution that the Society name be changed to GREENPEACE FOUNDATION.

Certified a true copy this 2nd day of May, A.D. 1972.

Solicitor for the Company

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452-350
FILED AND REGISTERED
MAY 4 1972
A. H. HALL
REGISTRAR OF SOCIETIES

1236 074

GREENPEACE CHRONICLES

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The Greenpeace Chronicles is published monthly
 by the Greenpeace Foundation.
 Canadian and U.S. distribution is 150,000 copies.
 Produced and printed in Canada
 by Monday Publications Ltd., Victoria, B.C.

Offices:

2108 West Fourth Avenue Vancouver, B.C., Canada (604) 738-7134	860 Second Street San Francisco, Calif., 94107 (415) 957-1134	Dick Sheppard House No. 6 Endsleigh London, England
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 By Brigitte Bardot Page 10
 Eileen Chivers, a veteran of Greenpeace seal
 and whale campaigns, visited Brigitte Bardot at
 her home in Paris in April. She brought back
 this English language version of Brigitte's



Welcome to planet Earth. This show is being
 brought to you by the Sun and the number zero.
 The sun is all you've got coming in, and zero is what
 you've got left when you use it all up.

The *Greenpeace Chronicles* is now a monthly publication,
 made possible by you when you buy it, and by our
 advertisers who pay for the space they use. The money we
 collect is energy from the sun, turned into dollars by human
 ingenuity, and it goes to Greenpeace.

Now, what Greenpeace does with the energy, is we send
 people out to save whales, we send people out to save seals,
 stop the bombs, turn oil tankers away from our delicate shore-
 line, and generally try to communicate some sense of love for
 our planet and all of its creatures.

The Greenpeace philosophy has been termed by our
 president, Dr. Patrick Moore, as the Declaration of Interde-
 pendence. The stability of an ecosystem like planet earth is
 directly related to its diversity. We need each other, folks. We
 need the whales, the eagles, the rivers and the trees.

We are looking for advertisers that share our vision of a
 green and peaceful planet. We would like to carry your
 message to our 400,000 readers throughout North America.
 We would like to state now that we do not discriminate against
 businesses or companies because of the country of their
 origin. We feel that such a policy would be narrow and hypo-
 critical. Every country on the planet has something to learn
 about the sacredness of life and the balance of our ecology.

We would like to thank our advertisers in this first monthly
 issue for their support and for their faith in Greenpeace. We
 ask you, our readers, to support them in return, and to let
 them know that you saw their message in the *Greenpeace*
Chronicles.

Beyond that, we can only say that we will do our best to
 bring you accurate and up to date reporting on the world
 environmental movement. Each month we will bring you the
 latest in the literature, music, thought, and events of space-
 ship Earth.

We would like to send you a copy of the *Greenpeace*
 each month. On page 19 you will find a subscrip-
 tion card. Please send it back to us. For only
 the next 12

1236 075

ATTACHMENT B

The Collapse of the Nuclear Economy

Nuclear power was once thought to be a virtually endless source of cheap electrical and thermal energy. This is no longer the case as pointed out in "Business Week" entitled "Why Atomic Power Dims", Nov. 17/75. Costs have risen dramatically in all aspects of nuclear energy production. Uranium, the basic fuel for reactors has recently doubled in price and with high grade reserves dwindling will no doubt continue to increase at a rapid rate. The costs of heavy water production and uranium enrichment are also skyrocketing due to the tremendous sophistication of the factories required for these processes. The most critical phase of the nuclear fuel cycle is the "fuel reprocessing" stage where spent reactor fuel is broken down and separated into nuclear wastes, reusable uranium, and plutonium. The technology for this process has proved most difficult and there is already a backlog of spent fuel building up in temporary storage facilities. The nuclear power industry is beginning to self-destruct due to its own economic and technological weaknesses.

1236 076

BY FRED EASTON

June 8 is a decisive day for the future of nuclear energy. On that day the California presidential primary ballot will include a referendum on the question of nuclear power plants. Proposition 15 will ask voters to:

- Prohibit further nuclear power plant construction or operation of existing plants at more than 60% capacity unless federal accident liability limitations are removed within one year.
- Requires further cuts of 10% a year after five years unless both houses of the California legislature confirm by a 2/3 majority that they are satisfied with the effectiveness of safety and disposal systems.

The petition used to force inclusion of the question on the ballot in California was organized by the Western Bloc, a group under the sponsorship of Ralph Nader. If Californians vote YES for nuclear safeguards then it can be expected that 22 other states where the Western Bloc

'76 Atomic Reactions



IN CASE OF EMERGENCY, Repeat: "Our Father..."

has been organizing will be encouraged to follow their lead.

Greenpeace is organizing a nuclear programme at the United Nations Conference on Human Settlements. Major speakers on the nuclear issues will be

introduced Thursday evening, June 3 in the plenary hall of the Habitat Forum site. Films on nuclear energy and nuclear weapons will be available for screening during Conference time and instructional workshops are planned. For info phone Dalton McCarthy at Greenpeace Vancouver 738-3032.

CLOSER TO HOME, Port Hope, Ontario has become a major scandal for the nuclear industry. Radioactive tailings from a uranium mine operated by Eldorado Nuclear Ltd. were used as fill in the construction of homes and schools. Citizens and their children have been exposed to excess levels of Radon gas being emitted by the tailings. A recent federal report estimated the cost of cleaning up the contamination at Port Hope could exceed two million dollars. "In the meantime" says Roger Eaton, a public relations officer for the Atomic Energy Control Board,

"we have discouraged the people living in the Pidgeon Hill

area of Port Hope from growing gardens."

ENERGY PROBE of Ottawa reports that the AECB knew of some of the problems of Port Hope for nine years and did nothing. In fact W.M. Gilchrist who is president of Eldorado Nuclear sat on the AECB from 1971 until 1974. The fox has been left in charge of the chicken coop.

STILL CLOSER TO HOME, preliminary federal hearings have been held on the application of Puget Sound Power & Light Company to build at least two 1280MW boiling water reactors at a site near Sedro Woolley, Wash. only 60 air miles upwind from Vancouver. The stacks of these proposed plants would, on a regular basis, emit some two dozen radioactive isotopes into the atmosphere. In addition the site of the plants is located in a region geologists recognize as one of three high risk seismic areas in the continental United States only eight miles from a major fault line.

The VANCOUVER SUN
January 18, 1973
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A-power plant due

SEATTLE (AP) — The Puget Sound Power and Light Co. says a study is under way into construction of a \$400 million nuclear power plant in Skagit county to meet power demands by 1982.

A 1,500-acre site near Sedro Woolley, about 20 miles south of Bellingham, has been selected.

Ralph Davis, company president, said Wednesday the project contemplates a 1,000-megawatt generating capacity at the outset, to be doubled eventually.

The company has acquired options on a major portion of the site and has done the foundation, drilling and some seismic surveys, the announcement said.

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The VANCOUVER SUN
January 21, 1974
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Nuclear reactor plan protests to be aired

The Skagit County planning committee has called a meeting Monday at 8 p.m. in the courthouse at Mount Vernon, Washington, to hear anyone who wants to protest a proposed nuclear reactor at Sedro Woolley.

A special zoning ordinance amendment to permit the construction of the \$100-million thermal nuclear power plant on a Skagit Valley slope will be considered.

The Skagit River Environ-

mental Council, whose members are opposing the plan, has issued an invitation to attend to B.C. residents concerned about construction of a reactor so close to the Canadian border.

Meanwhile, the Sierra Club of B.C. has sent a telegram to the hearing manager, claiming that 1.5 million Canadians in Vancouver and Victoria are in the path of radioactive emissions from the plant and possible high-level radiation from accidents.

1236 077

Fight against nuclear plants along Skagit River begins

Nuclear power plants - U.S.

Special to Sun, APP 30, 1975

SEDRO WOOLEY, Wash. — The opposition to a waste water discharge permit sought by Puget Sound Power and Light Co. for two nuclear power plants was expected to increase today.

A public hearing by the state thermal power plant site evaluation council opened here Tuesday at a slow pace as company attorneys described the conditions of a proposed permit for the two plants planned on the Skagit River near here.

Opponents of the project plan to tell the site council that discharges from the nuclear power plants will have an adverse affect on fish and will violate state water quality standards.

At issue was a draft permit developed by the site evaluation council. The permit is required by the federal Environmental Protection Agency for all discharges to waterways.

The council tentatively had decided to issue the permit before the hearing began in Sedro Woolley high school Tuesday.

Roger Leed, a Seattle lawyer representing the Skagit County opponents of the project, said he would introduce an expert witness who will testify that heated water discharged by the nuclear plants will be a shock to fish in the river and that chlorine and heavy metals in waste water will be toxic to marine life.

He said federal law and state standards prohibit degradation of water quality.

The hearing, which may run until Friday, is the first of a series planned during spring and summer.

The site evaluation council will hold another hearing here May 22 to consider other issues involved in the site on Bacus Hill, five miles east of Sedro Woolley.

On July 15, the federal Nuclear Regulatory Commission will begin a full review of the project with a hearing expected to be held in Bellingham.

Bruce Reeves, chairman pro-tem of the site council, said the council intends to reach its decision before the federal hearings start. The council will make a recommendation to Gov. Dan Evans who will make the final decision about the site.

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1236 078

Earthquake row shakes nuclear plant hearing

Special to The Sun

BELLINGHAM — The possibility that an earthquake might damage a planned nuclear power plant near the Skagit River, has become the first major issue in a federal hearing here.

The Atomic Safety and Licensing Board of the Nuclear Regulatory Commission Tuesday ordered that such questions about the site, east of Sedro Wooley, be considered "at the onset" of a hearing that may run into September.

"The board is very interested in getting into the matter of seismology and geology," said chairman Samuel Jensch soon after he opened the hearing.

The hearing is being held to consider environmental and site issues related to the plant, which is being planned by the Puget Sound Power and Light Co.

The earthquake issue was raised by Skagit area residents concerned about the safety of the site.

Roger Leed, an attorney for the group, told the hearing board: "There is a direct conflict between the applicant and the group on geology and seismology."

Leed asked that geologists' testimony on seismic safety, which was present at a state nuclear hearing last week, be included in the federal hearing record.

But Puget Power lawyer Theodore Thomsen said company witnesses would show that the site on Bacus Hill "is excellent" both seismically and geologically. And Robert Ross, a staff attorney for the NRC, said he found it "suitable."

Their views, however, have been challenged by Norman Hasinussen, a University of Washington seismologist, who told the earlier state hearing that he believed a strong earthquake could occur near the Skagit site. He had recommended that the company redesign its project to withstand such shocks.

POOR ORIGINAL

1236 079

Nuclear power safety questioned

SUN JUL 17 1975
Special to The Sun

BELLINGHAM — The safety record of nuclear power plants and the need for large amounts of nuclear-generated electricity were questioned during a U.S. federal hearing here Wednesday.

The Whatcom County Energy Council, a group of young people, took up most of the morning's session of an Atomic Safety and Licensing Board hearing which is considering Puget Sound Power and Light Co.'s request for a permit to build two nuclear plants near the Skagit River, four miles east of Sedro Woolley.

The council testimony generally ended public appearances before the board and allowed lawyers for Puget Power, project opponents and the Nuclear Regulatory Commission to begin formal cross-examination of witnesses.

The hearing is tentatively scheduled to continue through this month, then recess

for August because of other commitments of participating lawyers. The hearing would resume after Labor Day and continue to about mid-September.

Keron Ericson, a member of the Whatcom council, read a lengthy paper which questioned the safety of nuclear reactors and said the chance of an accident or system failure which could release radioactive wastes into the atmosphere were too great.

James McDonald, another council member, raised the issue of seismic safety — a question which the board has agreed must be discussed early in the hearing.

McDonald said there have been 92 earthquakes in Whatcom County since 1860, with 77 occurring between 1950 and 1970. The increasing number of quakes, plus the volcanic action of Mount Baker, "all are indications of increased stresses beneath the earth's surface," he said.

Lawyers for Puget Power said earlier that their witnesses would testify the project site is safe. The staff of the Nuclear Regulatory Commission also said it believes the property is safe for reactor construction.

However, an opponents' group called Skagitonians Concerned About Nuclear Power (SCANP) intends to introduce testimony of other geologists who will warn that a severe earthquake could occur near the site and suggest the plant be designed to withstand greater earth shocks.

David Leppanen, another Whatcom energy council member, said population growth has slowed and predicted that "downward turning growth rate will continue."

He said the need for the energy from the plant "is questionable" because of growth rate changes, and suggested that society has time to develop other energy sources, including wind and solar power.

The VANCOUVER SUN
December 8, 1978

NUCLEAR PLANT SITE AGREED

SUN DEC 8 1978
OLYMPIA, Wash. (AP) — An application for location of a multi-billion dollar nuclear generating facility near Sedro Woolley in Skagit County was signed Tuesday by Governor Dan Evans.

Evans said he has directed the chairman of the state energy facility site evaluation council to prepare a site certification agreement within 30 days. The agreement will be a contract between the state and Puget Sound Power and Light Co., prime sponsor of the proposed twin nuclear plants.

The contract will set forth the environmental and safety standards the state has determined will be necessary for the protection of the environment and the people of the area.

Puget Sound submitted the application for site certification in March 1974. Since that time the application has been the subject of extensive hearings before the site council.

If all goes according to plan, the first unit of the facility should go onto line in the early 1980's and the second unit around 1985.

POOR ORIGINAL

1236 080

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PUGET SOUND POWER & LIGHT COMPANY,)	DOCKET NOS.
et al.)	
)	50-522
(Skagit Nuclear Power Project,)	50-523
Units 1 and 2))	
)	

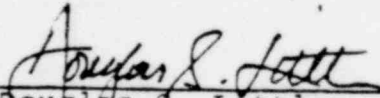
CERTIFICATE OF SERVICE

I hereby certify that the following:

APPLICANTS' ANSWER TO GREENPEACE'S
PETITION TO INTERVENE.

in the above-captioned proceeding have been served upon the persons shown on the attached list by depositing copies thereof in the United States mail on October 3, 1979 with proper postage affixed for first class mail.

DATED: October 3, 1979



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1236 081

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