

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

SCANP'S RESPONSE TO STAFF MOTION TO POSTPONE HEARINGS
ON GEOLOGY AND SEISMOLOGY ISSUES
(DATED NOVEMBER 2, 1979)

In the Board's Schedule of Conference dated December 21, 1979, the Board notes that there have been no responses to Staff's Motion to Postpone Geology Hearing. SCANP had assumed that the passage of time had overtaken the motion, but welcomes the Board invitation to offer its views regarding the motion.

SCANP submits that the motion should not be granted, and that applicants should not be afforded a further opportunity to carry their burden of proof regarding the geology and seismology issues presented. Applicants twice previously have presented evidence on these issues, which the Board has found to be poorly prepared and inconclusive. While applicants never were at liberty to carry their burden of proof regarding the most important safety issue in this proceeding with

insufficient evidence, the lessons of their first two attempts to do so certainly put them on notice that a third such presentation would not be tolerated. Yet applicants persisted in performing the minimum amount of studies and analysis, instead of the complete and thorough analysis obviously called for, and were not even able to bring their case to hearing when the U.S.G.S. demonstrated conclusively the inadequacy of their work. Even now SCANP does not understand applicants to accede to the U.S.G.S. conclusion that further fieldwork is essential. Given their past performances regarding geology in this proceeding, can applicants contend seriously that they should be given yet another opportunity to demonstrate the ability of their proposed design to withstand earthquake hazards? SCANP thinks not.

SCANP needs not remind the Board that, in the wake of the Three Mile Island accident, staff manpower has become a most precious and scarce resource. Staff has committed an inordinate amount of time to this proceeding, and in particular to reviewing applicants' submissions regarding geology, and it is clear that the public interest would not justify committing further staff resources on behalf of an applicant so unwilling to commit a sufficient amount of its own resources to achieve resolution of the most important safety issues. SCANP takes no great liberty with facts in anticipating the cries of protest and accusations of delay from applicants if SCANP

requested three or four opportunities to prove any of its contentions. Thus, principles of due process and fair play, as well as the public interest in allocating staff manpower to tasks which reasonably can be expected to further the purposes of the commission, mandate the conclusion that no further opportunity to carry their burden of proof on geology and seismology issues should be offered to applicants who have failed to make the necessary effort in three previous attempts.

DATED this 21st day of January, 1980.

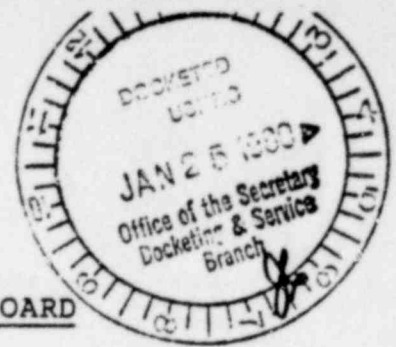
Respectfully submitted,

LAW OFFICES OF ROGER M. LEED

By Michael W. Gendler
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Counsel for SCANP

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PUGET SOUND POWER & LIGHT)	DOCKET NOS. STN 50-522
COMPANY, et al.,)	50-523
)	
(Skagit Nuclear Power Project,)	January 21, 1980
Units 1 and 2))	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of:

SCANP'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES TO
APPLICANT REGARDING SAN JUAN ISLANDS SEISMIC PROFILES

and

SCANP'S RESPONSE TO STAFF MOTION TO POSTPONE HEARINGS
ON GEOLOGY AND SEMISMOLOGY ISSUES

dated January 18 and 21, 1980 have been served on the fol-
lowing by depositing the same in the United States Mail,
postage prepaid, on this 21 st day of January, 1980.

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DATED:

Jan 21, 1980

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