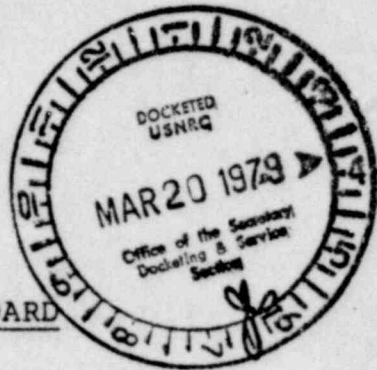


NRC PUBLIC DOCUMENT ROOM

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))	
)	
)	

INTERVENOR SCANP'S REVISED STATEMENT OF ISSUES

This list is submitted in response to the Board's Post Conference Order No. 2, dated February 8, 1979, and is intended to replace SCANP's list of principal issues dated January 15, 1979. Although SCANP has not had the benefit of consultation with the other parties prior to the submission of Applicants' revised statement on February 22, 1979, SCANP has had the benefit of having Applicants' revised statement prior to final preparation of SCANP's statement. To facilitate comparison, SCANP will adopt the format used by Applicants. However, for the reasons which appear below, SCANP will state its position on the matters specified in the Board's order in the form of answers to questions different from those used by Applicants.

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Applicants have the burden of proof with respect to each issue presented in this proceeding. 10 CFR §2.732. Although SCANP can and has introduced evidence and sponsored witnesses in support of its contentions, SCANP is not required to determine whether or not and in what fashion it will proceed before it is presented with Applicants' attempt to meet their burden of proof. As is true in any other adjudicatory proceeding, SCANP's role as a respondent to the party with the burden of proof gives SCANP the right to frame its responses to that party's evidence after that evidence has been produced, at least in preliminary form, e.g., through discovery or by pre-filing.

Thus, SCANP must take issue with Applicants' characterization of SCANP's desire to review the submissions of other parties as a "wait and see tactic." On those issues where Applicants or Staff has stated their intention to introduce further evidence in an attempt to meet their burden of proof, SCANP requests that it be given this proposed evidence sufficiently in advance of evidentiary presentations to allow SCANP to prepare its response. This is not a wait and see maneuver; SCANP does not desire to review Applicants' evidence to determine whether it is advisable to prepare a response, but to determine how to formulate the best response. In view of SCANP's limited resources, it is essential that SCANP be given sufficient time to analyze opposing evidence to determine how best to

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use its resources in response, whether such response be by cross examination, rebuttal testimony, affidavit, or otherwise. With respect to evidence which a party has compiled over a fairly lengthy period of time, and which may be rather voluminous, an unduly short amount of time such as two weeks or even one month may be insufficient to allow SCANP to prepare its response. And in view of the amount of time taken by another party to compile its evidence, and the difficulty SCANP has experienced in obtaining discovery, a longer period of time may be more appropriate. SCANP is pleased that the Board shares its view that testimony should be prefiled early enough to allow sufficient time for preparation of response, see TR 11716, and assures the Board that it ~~desires this time for response not as a~~ tactic to determine whether a response is appropriate, but only to have sufficient opportunity to prepare the best possible response with the limited resources at hand.

If SCANP's resources equalled those of the Applicants it, too, could sponsor several expert witnesses to address each issue. But a less pleasant reality exists. SCANP must review the evidence which has been submitted and which will be considered in future evidentiary sessions in order to make the difficult choices of resource allocation which, given SCANP's limitations, can best advance its position.

If on certain issues Applicants, or, in the case of issues relating to NEPA, the Staff, does not desire to

offer further testimony and evidence in order to meet their burden of proof, and in SCANP's view the party has not met the burden of proof, then SCANP must decide whether the record is sufficient as it stands or whether it is necessary to introduce further evidence to rebut the contention that the burden of proof has been met. If further evidence is necessary, SCANP must determine the appropriate form of such evidence: live testimony, further cross examination of Applicants' or Staff's witnesses, affidavit, or otherwise. To the extent SCANP has knowledge of the intentions of the other parties to offer further evidence or to rest on the record, SCANP will inform the Board of its decision whether or not it desires to offer further evidence in this revised statement.

With the foregoing considerations in mind, SCANP's position on the matters specified in the Board's Post Conference Order No. 2 is stated in the form of SCANP's answers to the following questions:

a. Has Applicants' (or, where appropriate, Staff's) evidence been sufficient to meet their burden of proof? SCANP will state the basis for its answers, with appropriate citations to the record. Of course, it may be impossible to cite to the record to demonstrate that the burden of proof has not been met, for the simple reason that there may be no evidence in the record which addresses the issue.

b. Do Applicants (or Staff) intend to introduce evidence sufficient to meet their burden of proof?

c. Does SCANP intend to respond to Applicants (or Staff) when they introduce evidence sufficient to meet their burden of proof?

Alternatively, does SCANP intend to introduce evidence despite the failure of Applicants (or Staff) to attempt to meet their burden of proof, in order to nail the coffin shut on the attempts by these parties to meet their burdens?

PART I

ENVIRONMENTAL ISSUES - LWA

The underlying environmental issue pursuant to NEPA is stated in the original notice of hearing:

"5. Whether, in accordance with the requirement of 10 CFR Part 51, the construction permits should be issued as proposed."

SCANP's position on this underlying issue is that the requirements of 10 CFR Part 51 have not been met, and that the construction permits should not be issued as proposed. The subordinate environmental issues, which must be decided prior to issuance of an LWA, see 10 CFR 50.10(e)(2)(i), are addressed in this part.

A. Adequacy of Environmental Impact Statements.

1. Contentions

SCANP Contentions J 1 and J 16.

2. SCANP Position.

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- a. No. Massive redesign of the project by the Applicants, specifically the Ranney Well Collector System, the additional set-back of laterals, the off-loading barge facility and transport of the reactor vessel up the Skagit River, have changed the likely environmental impacts of the project. A revision or supplement to the FES is therefore necessary to evaluate the environmental impacts of the Applicants' new designs. At this time, the Staff should assess important new environmental data developed since Staff and Applicants proposed findings on environmental issues on October 24, 1975. TR following 4742.
- b. No.
- c. Yes, insofar as the issues of cost/benefit and alternatives remain open (as detailed elsewhere), and insofar as new evidence may be introduced on major subjects addressed in the EIS, which evidence SCANP may desire to comment on or rebut.

B. Impacts of Construction.

B1. Reactor Pressure Vessel Delivery.

1. Contentions.

None.

2. SCANP Position.

- a. No. The method by which Applicants intend to deliver the reactor pressure vessel is not stated with sufficient precision to permit evaluation at this time.
- b. No. Staff intends to offer additional evidence in response to a request by the Board.
- c. Yes. SCANP will prepare an appropriate response when the Staff's new evidence is made available to SCANP.

B2. Other Impacts of Construction.

1. Contentions.

SCANP Contention J 10.

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2. SCANP Position.

- a. No. The proposed project would have an adverse environmental impact, especially upon Skagit River fisheries, agricultural land use, and upon eagle habitat. See TR 2923-77, 8209-8324, Exhibits 40-42. Further, Applicants have not revealed the source of the gravel which will be needed for construction of the plant, and Staff has not assessed the ecological effect of gravel removal from the Skagit River or another river, including the effect on fisheries.
- b. No.
- c. No. However, if other parties introduce new evidence or disclose new or more detailed facts about project impacts, SCANP will make an appropriate response.

C. Impact of Operation.

C1. Cooling Tower Operation.

1. Contentions

SCANP Contentions J 4 and J 6.

2. SCANP Position.

- a. No. Applicants have failed completely to assess the risks associated with the cooling tower blowdown, see TR 2860-96, and have failed in particular to determine the character and amount of deposition of blowdown material in the soil of the Skagit Valley, and to study those soils to determine whether they can withstand the anticipated deposits. See TR 2884.
- b. No.
- c. No.

C2. Visual Impacts.

1. Contentions.

SCANP Contention J 8.

2. SCANP Position.

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- a. No. The visual and aesthetic impacts of the proposed project are inadequately assessed in the FES. TR 3095-3115; 8131-93.
- b. No.
- c. No.

C3. Project Discharge.

1. Contentions.

SCANP Contentions J 3 and PSAR 1(b) and (d).

2. SCANP Position.

- a. No.
- b. No.
- c. Not unless new evidence is adduced by other parties or significant new information comes to SCANP's attention.

C4. Ranney Collector System.

1. Contentions.

SCANP PSAR Contention 2.

2. SCANP Position.

- a. No. The mitigation measures required by the Department of Agriculture under the Wild & Scenic Rivers Act, including removal of riprap (TR 10795-96) and additional set-back of lateral (TR 10930-35), will necessitate further modification of the Ranney Well design. This will require further exploratory work, because Applicants' witnesses testified that tests were conducted only for pumping at no distance from the river, not for pumping 150 feet from the river as will now be required. TR 10902-07.
- b. Yes. Staff intends to present additional evidence on this matter. TR 11720; 10966-67. Although the Board apparently anticipated further exploratory work by Applicants, TR 10723, Applicants now state that they intend no further presentation.

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- c. Yes. When the substance of Staff's additional evidence is made known to the parties, SCANP will prepare a timely and appropriate response. SCANP also intends to present the testimony of Jeffrey Haley to address possible chlorine contamination of the Skagit River as a result of chlorine treatment in the Ranney Collectors. This testimony can be made available upon short notice.

C5. Radiological Releases.

1. Contentions.

SCANP Contentions J 9 and PSAR 1(c).

2. SCANP Position.

- a. No. The radiological release contained in the Cooling Tower Blowdown has not been studied adequately. See ¶ Cl.2a. above. Accidental releases, especially those of Class 9 magnitude, have not been studied.
- b. No.
- c. Yes. The Commission has requested Staff to re-examine all regulations based in part on the Rasmussen Report, Wash - 1400. SCANP asserts that the Commission's generic treatment of Class 9 accidents is one of such regulations, and that Staff should examine the Class 9 accident possibility in this docket. If Staff fails to do so in response to the Commission's request, SCANP will make a motion requesting the Board to direct Staff to study Class 9 accidents. SCANP notes also that Seattle City Light has now distributed a Draft Environmental Report for its proposed Copper Creek Dam. The probability and effects of a dam accident upon the downstream nuclear plant have not been assessed. SCANP invites the Staff to undertake such an assessment, and would welcome the opportunity to respond to any evidence which Staff's investigations may produce. Although SCANP believes the Radon-222 issue should be addressed under "Radiological Releases", to maintain simplicity SCANP has followed the lead of Applicants, who discuss that issue under "Alternative Energy Sources", Paragraph IF below.

C6. Socio-Economic Impacts.

1. Contentions.

SCANP Contention J 10.

2. SCANP Position.

- a. No. The Staff has ignored several major socio-economic impacts of the proposed project. See TR 8131-93. In addition, there is important new evidence which indicates that further study in this area is necessary. Local governments in the Satsop Nuclear Site area have experienced problems with land use controls far greater than anticipated for construction of the plant. 35-50 % of the new work force there have become residents of the area, a figure much higher than anticipated. Violent crime has risen sharply. The Staff should study this new information, which was not available when socio-economic impacts were studied in this proceeding, and should determine whether any further studies are necessary or whether any of Staff's conclusions should be amended or updated.
- b. Yes. Staff intends to present certain testimony which has been prefiled.
- c. Yes. SCANP would want to respond to any new evidence developed by Staff in response to recent events relating to the Satsop site. In addition, SCANP intends to present Mr. Fred Utevsy or someone of similar qualifications as a land use planner, to respond to the Staff's prefiled testimony.

D. Effects of Postulated Accidents.

1. Contentions.

SCANP contention J 7.

2. SCANP Position.

See Paragraph C5 above.

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E. Alternative Sites.

1. Contentions.

SCANP Contentions C and J 12.

- a. No. The Applicants' evaluation of alternative sites is inadequate and biased, and the Staff has failed to conduct an independent evaluation of alternative sites, as required by NEPA. The Staff's failure to do so is critical because its reliance on the Applicants' Alternative Site Analysis preordains the result that the Applicants' desire, i.e., that the Skagit Site is preferable. Staff review has been limited to sites considered by Applicants, TR 7659, 7670, 7674, and has focused on general regions, TR 7655, rather than specific alternative sites as required under NEPA. Staff has not made a detailed study of costs for alternative sites. TR 7661; 7668-87. The "sunk hole" costs of the Skagit site have not been ascertained and factored out of comparisons with other sites. TR 7698.
- b. Yes. Staff intends to present witnesses on the geology and seismology of alternative sites. TR 11735-37. The Board stated that it would give Staff guidance respecting the required scope of Staff's presentation. TR 11626.
- c. Yes. In addition to cross-examination of Staff's witnesses on the geology and seismology of alternative sites, SCANP may wish to present Mr. Blunden, Dr. Cheney or other similarly qualified witnesses to address Staff's evidence. This would of course depend on the scope of the presentation required of Staff by the Board.

F. Alternative Energy Sources.

1. Contentions.

SCANP Contentions D and J 13. FOB/CFSP Contentions 6 and 7.

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2. SCANP Position.

- a. No. No evidentiary hearings have been held to date with respect to Radon-222. SCANP has concurred in the Staff's plan to monitor the Sterling Proceeding. SCANP has previously indicated its position that the Perkins record is inadequate on the Radon 222 issue. See Intervenor SCANP's Response to Partial Initial Decision in Perkins, filed November 15, 1978.
- b. Applicants do not intend to present further evidence regarding alternative energy sources. Staff, however, intends to sponsor an update of the testimony of witness Gotchy.
- c. Yes. SCANP anticipates that it will want to cross examine Mr. Gotchy after he presents his testimony on behalf of the Staff. In addition, SCANP intends to offer a witness to address the availability of coal, especially British Columbia coal. This witness could testify after Mr. Gotchy presents his analysis of the coal-nuclear comparison. Contrary to the assertion of Applicants and Staff, this witness would not be untimely. While Staff offered testimony in this area some time ago, the testimony was rejected because Staff's witnesses were inadequately prepared on this issue. See TR 4121-22. While SCANP was able to cross examine Applicants' witnesses on the British Columbia coal issue, TR 5130-37, Staff's witnesses mentioned British Columbia coal only in passing when they returned to testify on the coal alternative. Because of scheduling constraints, SCANP was not afforded the opportunity to present a witness on this issue at that evidentiary session. SCANP should not be denied this opportunity now merely because the testimony of Applicants' and Staff's witnesses consumed all the time available at the session in which SCANP's testimony would have been most appropriate. See TR 11694-97.

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G. Need for Power.

1. Contentions.

SCANP Contentions A,B,F, J 11 and J 14. FOB/
CFSP Contentions 1, 2, 3, 4, and 5.

2. SCANP Position.

- a. No. Applicants have failed to use factors necessary to justify their "critical water criterion" approach to need for power, and have therefore vastly overestimated growth and demand. See Intervenor SCANP Supplement to Motion to Reopen Need for Power Record, June 19, 1978, at 2-4. SCANP's Motion of May 24, 1978 to reopen the need for power record presently is pending before the Board, pursuant to the suggestion of the Staff, TR 10378, that the Board await further proceedings of the Oregon Energy Facility Siting Counsel with respect to Pebble Springs. While SCANP agrees with the Staff that the Oregon decision with respect to the Pebble Springs Site is certainly relevant here, there exists an independent basis upon which SCANP's motion should be granted. The final report of the Northwest Energy Policy Project (NEPP), released in 1978, is based upon the most comprehensive and advanced methodology ever used to assess energy demand in the Pacific Northwest, and supports SCANP's assertion that energy growth through the year 2000 will most probably approximate 2.5%, a figure substantially lower than that submitted by Applicants in their proposed findings on April 13, 1977. The need for power issue cannot be said to have been thoroughly aired until the significant discrepancies between the NEPP report's conclusions and those of the West group (upon which Applicants rely) are explored and explained. Applicants' suggestion that SCANP's motion should be denied because the NEPP report is merely cumulative is without merit. The

NEPP report is in direct conflict with the forecasts of the West Group, and it is unlikely that the same ultimate conclusion on need for power would be reached if one were used instead of the other. Similarly, Applicants' contention that SCANP's motion is untimely also is without merit. SCANP's motion was filed almost simultaneously with the release of the NEPP report. The need for power determination should be made based upon the best evidence available. If SCANP's motion is denied, it should be because the Board feels that the evidence upon which SCANP relies is too inconsequential to alter the outcome. But if, as SCANP contends, the lower figures obtained in more recent studies suggest inaccuracy in earlier studies and a lower growth rate than was earlier anticipated, SCANP's

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motion should be granted and the need for power issue explored fully in light of the most recent and most reliable evidence. SCANP contends that the outcome of the Oregon State proceeding should have binding effect in this docket to the extent of the participation of the Oregon applicants. On the other hand, the legislative determination of the State of Washington that there exists a need for power carries no weight whatsoever in this proceeding.

b. No.

c. Yes, if SCANP's Motion to reopen the need for power record is granted.

H. Cost/Benefit Analysis.

1. Contentions.

SCANP Contentions G, J 10, and J 15. FOB/CFSP Contention 8.

2. SCANP Position.

- a. No. Staff has not addressed the availability of uranium nor the demand made by General Electric that Applicants agree to renegotiate the price of the reactor vessels and the initial fuel and first reload. See TR 11652. Applicants and Staff have failed to consider the high cost of decommissioning a nuclear plant on the cost side of the cost/benefit analysis.
- b. Yes. Staff intends to present its final cost/benefit analysis. TR 11747. Applicant does not propose to present further evidence on this subject. TR 11749-51.
- c. Yes. When Staff submits its final cost/benefit analysis to the parties, SCANP will then be in a position to determine an appropriate response, including cross examination and possibly presentation of additional witnesses.

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I. Federal Water Pollution Control Act.

1. Contentions.

None.

2. SCANP Position.

a. No.

b. No.

c. No.

J. Wild & Scenic Rivers Act.

1. Contentions.

SCANP Contention I.

2. SCANP Position.

a. No. Applicants have submitted their proposed mitigation measures to the Secretary of Agriculture, but the Secretary has indicated that a decision will not be forthcoming until May, 1979. SCANP notes at this time its disagreement with both the Secretary's procedural interpretation of Section 7 of the Wild & Scenic Rivers Act, to the effect that a Section 7(a) determination is unnecessary, and SCANP's disagreement with the substantive decision made by the Secretary and with the Secretary's views respecting the scope of considerations upon which a Section 7 determination should be based.

b. No.

c. No.

Part II

SITE SUITABILITY ISSUES - LWA

The underlying site suitability issue is stated in

210 4835 10 CFR 50.10(e)(2)(ii):

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"[Whether], based upon the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a reactor of the general size and type proposed from the standpoint of radiological health and safety considerations under the Act and Rules and Regulations promulgated by the Commission pursuant thereto."

10 CFR, Part 100, describes the factors to be considered in deciding this issue, and 10 CFR, Part 100, Appendix A, Part IV, describes the required investigations which must be satisfactorily performed prior to determination of the site suitability issues. SCANP contends that the requirement of Part IV of Appendix A to 10 CFR Part 100 have not been met, specifically requirements 1, 4, 5, 6, and 7 thereof.

A. Geography and Demography

1. Contentions.

None.

2. SCANP Position.

a. No. Applicants and Staff have failed to evaluate the effect of the proposed use of Northern State Hospital, which proposal has occurred subsequent to the most recent assessment of geography and demography in this proceeding. The demography of the area will not be adequately assessed until such a study is undertaken.

b. No.

c. Yes. Evidence about current plans for Northern State Hospital, and evidence to respond to how evidence adduced by any other party.

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whether], based upon the available information
review to date, there is reasonable assur-
e that the proposed site is a suitable loca-
n for a reactor of the general size and type
posed from the standpoint of radiological
th and safety considerations under the Act
Rules and Regulations promulgated by the
mission pursuant thereto."

Part 100, describes the factors to be considered
ing this issue, and 10 CFR, Part 100, Appendix A,
describes the required investigations which must
factorily performed prior to determination of the
ability issues. SCANP contends that the re-
of Part IV of Appendix A to 10 CFR Part 100
been met, specifically requirements 1, 4, 5, 6,
ereof.

raphy and Demography

Contentions.

None.

SCANP Position.

a. No. Applicants and Staff have failed to
evaluate the effect of the proposed use of
Northern State Hospital, which proposal has
occurred subsequent to the most recent as-
sessment of geography and demography in
this proceeding. The demography of the
area will not be adequately assessed until
such a study is undertaken.

b. No.

c. Yes. Evidence about current plans for
Northern State Hospital, and evidence to
respond to how evidence adduced by any
other party.

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"[Whether], based upon the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a reactor of the general size and type proposed from the standpoint of radiological health and safety considerations under the Act and Rules and Regulations promulgated by the Commission pursuant thereto."

10 CFR, Part 100, describes the factors to be considered in deciding this issue, and 10 CFR, Part 100, Appendix A, Part IV, describes the required investigations which must be satisfactorily performed prior to determination of the site suitability issues. SCANP contends that the requirement of Part IV of Appendix A to 10 CFR Part 100 have not been met, specifically requirements 1, 4, 5, 6, and 7 thereof.

A. Geography and Demography

1. Contentions.

None.

2. SCANP Position.

- a. No. Applicants and Staff have failed to evaluate the effect of the proposed use of Northern State Hospital, which proposal has occurred subsequent to the most recent assessment of geography and demography in this proceeding. The demography of the area will not be adequately assessed until such a study is undertaken.
- b. No.
- c. Yes. Evidence about current plans for Northern State Hospital, and evidence to respond to how evidence adduced by any other party.

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B. Nearby Industrial, Transportation and Military Facilities

1. Contentions.

None.

2. SCANP Position.

- a. No. Staff's analysis of military aviation is inadequate. See, e.g., TR 5540-5592.
- b. No.
- c. Yes. The Staff's evaluation of military aviation was admitted into evidence during hearings on other matters in July, 1977. Follows TR. 8325. Because this analysis was subsequent to SCANP's most recent opportunity to cross-examine Staff's witness, and because the ongoing hearing schedule did not permit SCANP to cross-examine or rebut Staff's more recent analysis, the parties agreed that SCANP would be afforded the opportunity to respond to the Read Affidavit at a later time. TR 8102-03; 8325. Further, SCANP has informed Staff of recent studies which suggest that the accident rates upon which Staff testimony was based were too low. SCANP has urged the Staff to examine this data and to introduce it into the record. If Staff is unwilling to do so, SCANP intends to introduce the evidence and to sponsor a witness to interpret it.

C. Geology and Seismology.

1. Contentions.

SCANP Contentions H, J 2, J 5 and PSAR 1(a).

2. SCANP Position.

- a. No. The Applicants' study of the geology and seismology of the region and

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of the Skagit site has been demonstrated to be erroneous and insufficient. See TR following 11420, 11429, 11432-33 (testimony of Dr. Cheney); TR 10986 - 11033, 10990-97, 11008, 11020, 11023 (testimony of Dr. Whetten); TR 11035-94, 11046, 11060-65 (testimony of Mr. Blunden).

- b. Yes. Applicants will distribute to the Board and parties a report on their investigations pertaining to geology and seismology within a month. This report will provide "a large volume" of geological and geophysical information. Staff anticipates that if Applicants' report addresses all of the outstanding concerns of the Staff and the USGS, then the Staff review should be completed by late summer or early fall of 1979. Staff expects to be able to make its review available to the parties at that time.
- c. Yes. SCANP will present Dr. Cheney, Mr. Blunden, Dr. Steuart Smith and Dr. Steven Malone to address the Applicants' report and the review by the Staff. In addition to cross-examining NRC and USGS personnel, SCANP desires to cross-examine the witnesses sponsored by Applicants who testified at hearings in July of 1976 which SCANP counsel was unable to attend. Because SCANP has never had the opportunity to examine some of these witnesses, SCANP requests that they be made available for examination when geology/seismology hearings are held. While SCANP agrees with the Staff that when Staff's review is made available to the parties, this issue will be ripe for further evidentiary presentation, in view of the large volume of material which Applicants intend to submit and the anticipated comprehensive nature of Staff's review of this material, SCANP requests a reasonable amount of time to study the Staff's review and the Applicants' report prior to any further evidentiary hearing. While SCANP is optimistic that prompt compliance with discovery

requests can reduce the amount of time necessary for preparation after the Staff's review is made available, in view of the size of the task, SCANP estimates that roughly two to three months will be necessary for preparation after Staff's review is received. This rough estimate can be revised when the Applicants' report is received, and again when Staff's review is received, at which time SCANP will have more certain knowledge regarding the extent of preparation necessary. In any event, no further evidentiary hearings involving USGS personnel should be held until SCANP's outstanding discovery requests are satisfied.

D. Suitability for Development of Evacuation Plan.

1. Contentions.

SCANP Contention E.

2. SCANP Position.

- a. No. It is impossible to develop an adequate evacuation plan with respect to the Skagit site, especially with respect to evacuation of the low population zone. TR 4183-4237. In view of the recent change in NRC regulations respecting emergency evacuation plans, and in view of the failure of Applicants and Staff to give adequate consideration to the continued use of Northern State Hospital, SCANP believes that further studies and evidence on this issue are necessary. See also EPA and NRC, "Planning Basis for the Development of State and Local Government Radiological emergency Response Plans in Support of Light Water Nuclear Power Plants" (NUREG - 0396, EPA 520/178-016).
- b. No.
- c. Yes. SCANP intends to introduce an NRC report on this subject. TR 11766-78.

PART III

RADIOLOGICAL HEALTH AND SAFETY ISSUES - CP

The underlying radiological health and safety issues to be decided by the Board are stated in Items 1 through 4 of the original notice of hearing. These include the financial qualifications issue, Item 3.

A. Site Criteria

1. Contentions.

SCANP PSAR Contention 1(a).

2. SCANP Position.

a. No.

b. Yes. Applicants and Staff apparently intend to introduce that evidence respecting geological and geophysical investigations which is not presented during the LWA hearing, as noted in II C. above.

c. Yes. SCANP will present the witnesses listed in Section II.C. above to address those portions of Applicants' and Staff's reports and reviews which are not presented in the forthcoming LWA hearing.

B. Financial Qualifications.

1. Contentions.

SCANP Contention K and PSAR Contention 3.
FOB/CFSP Contentions 9 and 10.

2. SCANP Position.

a. No.

b. Yes. Applicants and Staff intend to offer witnesses who will conclude that Applicants are financially qualified to construct and operate the Skagit Project.

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- c. Yes. SCANP will offer a qualified witness, who will demonstrate that the costs of this project have risen above financial ability of the Applicants to pay for them. Further, Applicants have not demonstrated the financial ability to decommission the Skagit plants.

C. Other.

1. Contentions.

SCANP PSAR Contention 2 (Emergency Evacuation Plan)

2. SCANP Position.

- a. No.
- b. Yes. Applicants intend to offer the testimony of J. E. Mecca, and Staff has indicated that an as yet undetermined witness will complete his testimony within 90 to 120 days.
- c. Yes. When the testimony of Applicants and Staffs witness is received, SCANP will prepare an appropriate response.

Respectfully submitted,

ROGER M. LEED

By 

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SCANP
1411 Fourth Avenue Bldg.
Seattle, Washington 98101

DATED March 16, 1979.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PUGET SOUND POWER & LIGHT)
COMPANY, et al.,)

(Skagit Nuclear Power Project,)
Units 1 and 2))
_____)

DOCKET NOS. STN 50-522
50-523

CERTIFICATE OF SERVICE

I hereby certify that copies of:

INTERVENOR SCANP'S "REVISED LIST OF ISSUES"

have been served on the following by depositing the same in
the United States mail, postage prepaid, on this 16th day of
March, 1979.

Valentine B. Deale, Esq., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory
Commission
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