

Forelaws on Board

Our conscience teaches us it is right, our reason teaches us it is useful, that men should live according to the Golden Rule.
W. Winwood Reade

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2/13/81

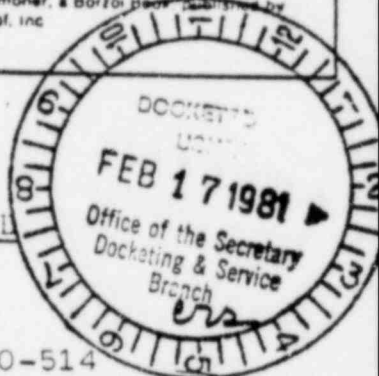
THE FOUR LAWS OF ECOLOGY

- 1. Everything is connected to everything else.
2. Everything must go somewhere.
3. Nature knows best.
4. There is no such thing as a free lunch.

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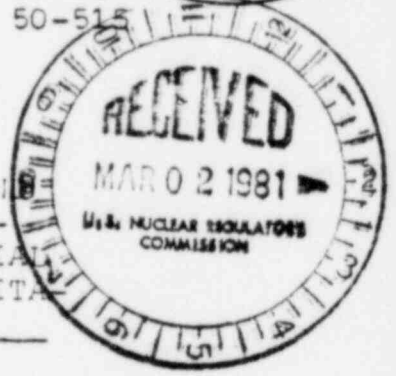
UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
PORTLAND GENERAL ELECTRIC)
COMPANY)
(Pebble Springs Nuclear Plant,)
Units 1 and 2)

Docket Nos. 50-514
50-515



FORELAWS ON BOARD'S RESPONSE TO NRC STAFF'S AND APPLICANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE FORM OF A LIMITED PARTIAL INITIAL DECISION ON ENVIRONMENTAL AND SITE SUITABILITY MATTERS

On January 22, 1981, Forelaws On Board filed a "Motion for Suspension of Further Hearings and Findings of Fact and Conclusions of Law," in the above entitled proceeding, asking:

"...the Atomic Safety and Licensing Board to suspend all further hearings as well as proposed findings of fact and conclusions of law in this proceeding until it can be demonstrated, to the Board's satisfaction, that the Applicants are able to license and construct these facilities in Oregon at their proposed site. Otherwise the continuation of these proceedings is a drain upon the resources of all parties as well as that of the taxpayers of this country."

While the Applicant has filed a response to this motion on February 6, 1981, Forelaws On Board still believes that they have failed to demonstrate that they are "able to license and construct these facilities in Oregon at their proposed site."

The Board has yet to rule on our motion. In the interest of meeting the requirements of the Board's direction of October 1, 1980,

A REVERENCE FOR ALL LIFE • THE GOLDEN RULE • THE FOUR LAWS OF ECOLOGY

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for all parties to file proposed findings of fact and conclusions of law on site suitability and environmental issues where the record is closed, Forelaws On Board does so in the following manner:

I. Preliminary statement

1. Forelaws On Board has reviewed the proposed findings of fact and conclusions of law in the form of a limited, partial, initial decision on environmental matters and site suitability, issued both by the Applicant and the NRC staff. Our position on the futility and the waste involved in reaching a limited, partial, initial decision in these proceedings at this time has not changed. Our response is not to duplicate the efforts made by both the NRC staff and Applicant but to merely respond to those areas which we feel will be most helpful to the Board in reaching their decision. We further respond in this manner in order to best invest our resources and time which are in no way equal to the resources and time available to the NRC staff and Applicant.

2. In the interest of shortening our response, Forelaws On Board addresses the staff's submittal before addressing the Applicant's submittal. By doing so we prevent unnecessary duplication of arguments which can be merely avoided by the Board's adoption of those portions of the staff's findings in which we are in substantial agreement.

3. Finally, we would hope the Board would recognize that while our desires have been to provide full representation in these proceedings, reality has dictated the devotion of our time to issues of which our participation best serves to provide this Board with as complete a record as possible. As will be outlined, most of these issues remain to be resolved.

II. NRC Staff's Findings

4. Forelaws On Board agrees with NRC staff's footnotes numbers one (page 2), five (page 8)*, and nine (page 21) as well as finding number 3 on page 21.

5. Forelaws On Board agrees with the following NRC staff findings:

D. Matters in Controversy

1. Need for Power (page 11)

*This footnote contradicts proposed NRC Staff finding 4. Cooling Pond Performance, findings 19-22 (pages 13-15)

2. Alternatives and Economic Costs (page 11)
3. Possible Algal Blooms in the Cooling Reservoir
(page 12)
6. Radiological Release (page 20)
9. Environmental Effects of the Uranium Fuel Cycle
(page 21)

6. Forelaws On Board is opposed to staff's adoption, under 8. Environmental Effects of Postulated Accidents (page 20) of the Applicants' proposed findings on environmental effects of postulated accidents (see applicant findings 86-88, pages 33-35). The Applicants and staff's analysis on this issue is cursory and does not reflect post Three Mile Island experience. This issue is unresolved and demands further exploration of the effects of accidents beyond the design basis, i.e., Class 9 events.

7. Forelaws On Board is opposed to NRC staff findings: *

B. Population Density and Use Characteristics, numbers 37-40 (pages 22-23) as this information should be updated to reflect the 1980 census and any other demographic and population changes.

C. Nearby Industrial, Transportation and Military Facilities, numbers 41-45 (pages 24-26) as this information should be updated to reflect changes that have occurred since this information was last gathered and examined as well as any projected changes that are to take place in light of the Applicant's newly proposed time period for constructing the Pebble Springs plants.

8. Forelaws On Board agrees with NRC Staff finding G., Geology and Seismology, number 56, page 30.

III. Applicant's Findings

9. Forelaws On Board does not support Applicant's finding number 21, Radiological Effects on Construction Workers (page 10). In addition to being an issue involving radiological releases for which this record is not closed, this issue cannot be settled until it is clear when the two Pebble Springs plants are to be built. Thus the assumption that there is "a 2-year time period between the start up of Units 1 and 2" is yet to be proved.

* These objections apply as well to Applicant findings 132-145, pages 49-53.

10. Forelaws On Board does not support Applicants findings 22-27 (pages 11-12), Socio-economic Effects. None of the studies used by the Applicant to support their findings reflects newly proposed on-line dates for construction and operation of the Pebble Springs plants.

11. Concerning Applicant's proposed findings 70-78, pages 27-31, Forelaws On Board believes the Board should hold the Applicant to that design of the Pebble Springs plants which allows only zero release discharges to the reservoir.

12. While Forelaws On Board agrees with the NRC Staff finding concerning Environmental Effects of the Uranium Fuel Cycle (see NRC finding number 34, page 21) we take issue with the Applicant's proposed finding 113, page 44, which reads in part:

"We certainly must consider any known effects on our immediate successors as of importance comparable to effects on those now living. When it comes to balancing adverse impacts to those descendants who may follow thousands of years from now against the benefits to the present generation, we would weigh benefits to the present population. The benefits are certain-- the impacts hypothetical."

Forelaws On Board believes that this is nothing short of legalized murder and, regardless of the numbers used and their validity, promotes a philosophy in which the moral responsibility that one generation has for another is completely thwarted. While this Applicant can lay bare its ignoble disregard for future generations as well as the individuals who must bear the effects of the actions it takes upon their lives, we pray this Board will not subscribe to such artful mechanisms of sophistry.

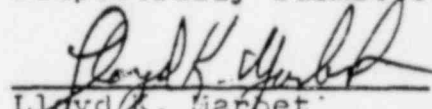
13. Forelaws On Board is opposed to Applicant's finding I., Alternatives to the Proposed Plant (Environmental Effects of the Coal vs. Nuclear Fuel Cycle), numbers 121-125, pages 45-46. This issue is not resolved and is subject to the Applicant's new on-line dates for the Pebble Springs plants. The new on-line dates provide for an update of the ongoing experience with the coal vs. nuclear fuel cycle environmental effects. The staff has proposed in D. Matters in Controversy, 2. Alternatives and Economic Costs:

At this time the Board cannot make findings of fact and conclusions of law on the need for power, alternatives or the economic costs of the proposed facility because the record is not yet closed on these matters.

We are in substantial agreement.

Dated this 13th day of February, 1981.

Respectfully submitted,

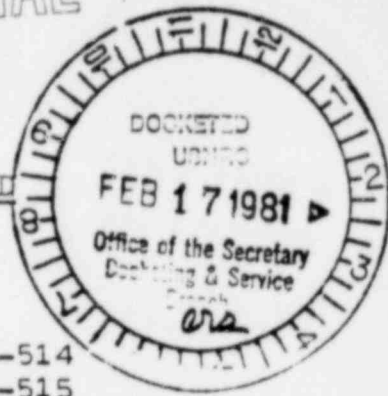


Lloyd K. Harbet
Forrelaws On Board

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Forelaws On Board's Response to NRC Staff's and Applicant's Findings of Fact and Conclusions of Law in the Form of a Limited Partial Initial Decision on Environmental and Site Suitability Matters," dated February 13, 1981, in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, this 13th day of February, 1981.

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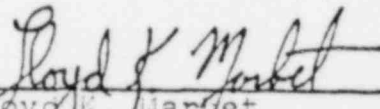
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