

09/09/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

WRC STAFF RESPONSE TO COALITION FOR
SAFE POWER MOTION FOR SERVICE OF DOCUMENTS

On August 18, 1981, Coalition for Safe Power (CSP) filed a motion before both the U.S. Nuclear Regulatory Commission and the Atomic Safety and Licensing Board seeking an order directing the Applicant and the Staff to include CSP on their respective service lists. CSP states that it was a party to the terminated Skagit proceeding and is a potential intervenor in the Skagit/Hanford proceeding which was not yet been noticed for hearing. For the reasons set forth below, Staff submits that this motion should be denied as moot.

On July 16, 1980, the Applicants advised the Board that they will amend their application in this proceeding to change the proposed site of the Skagit Project to a location on the Hanford Reservation near Richland, Washington. They further informed the Board that they expect to file the amendment to the application (the general information volume) by September 30, 1980, and that by September 30, 1980, they should be able to advise the Board of the anticipated schedule for filing the necessary amendments to the Environmental Report and the Preliminary Safety Analysis Report.

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By Order of August 27, 1980, this Board issued an "Order Re Schedule and Related Matters" which provided in part:

- d) This proceeding shall be deemed to have been concluded insofar as the Skagit site is concerned and no further evidentiary hearings thereon are contemplated.

The Order further provided a date by which the Applicants would amend their application to move the site of the project to the Hanford Reservation, called for other reports by Applicants and stated that the Board anticipated scheduling a later prehearing conference to consider procedural steps that should be taken prior to convening an evidentiary hearing to consider the Hanford Reservation site.^{1/}

By reason of the above-mentioned Order, the Staff believes that this Licensing Board is vested with and has retained residual jurisdiction with respect to the Skagit construction permit (CP) applications until a new notice of hearing is issued by the Commission which would establish jurisdictional authority in a licensing board for the Skagit/Hanford proceeding that this motion is properly before this Board, instead of the Commission, for consideration and ruling. Accordingly, Staff has addressed this response to the Licensing Board.

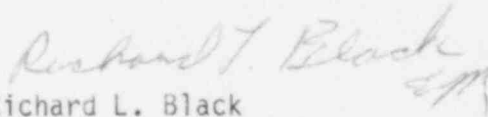
In the former proceeding involving the Skagit site, CSP was a Joint Intervenor with Forelaws on Board (FOB). All documents were served on

^{1/} The Commission has recognized the termination of this proceeding. See Puget Sound Power & Light Co. (Skagit Nuclear Power Project, Units 1 and 2), CLI-80-34, 12 NRC 407 (1980).

Mr. Lloyd Marbet of FOB, as a representative of both Intervenors. During the transition stage of this proceeding pending amendment of the application, all appropriate documents pertaining to the application and its amendment have continued to be served on Mr. Marbet on behalf of FOB and CSP.^{2/}

The Staff as a matter of courtesy, pursuant to previous requests of CSP, has placed CSP on both its legal and licensing service lists. Consequently, CSP is being served with all Staff documents and correspondence pertaining to the amended applications. Since the relief requested by CSP is unnecessary the motion should be denied as moot.

Respectfully submitted,


Richard L. Black
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of September, 1981.

^{2/} The Staff does not believe it has yet been shown that either FOB or CSP will have the requisite interest to be parties to this proceeding upon the removal of the proposed site of the project to the Hanford Reservation.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO COALITION FOR SAFE POWER MOTION FOR SERVICE OF DOCUMENTS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 9th day of September, 1981:

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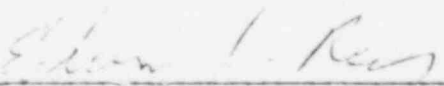
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