

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

mdv

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

John F. Wolf, Chairman
Frank F. Hooper
Gustave A. Linenberger, Jr.

In the Matter of)	Docket Nos. 50-522
)	50-523
PUGET SOUND POWER AND LIGHT COMPANY, ET AL.)	
(Skagit/Hanford Nuclear Power Project,)	
Units 1 and 2))	July 1, 1982

PREHEARING CONFERENCE
MEMORANDUM AND ORDER

A Prehearing Conference was held in the above entitled matter in the Federal Building at Richland, Washington on Wednesday, May 5, 1982. This Memorandum and Order addresses the events of this conference. Counsel participating in the Prehearing Conference were:

- (1) F. Theodore Thomsen for the Applicant and with whom were David G. Powell and Steven Frantz
- (2) Richard L. Black for the NRC Staff
- (3) Ralph Cavanagh for the National Resources Defense Council (NRDC)
- (4) Terence Thatcher for National Wildlife Federation and Oregon Environmental Conference (NWF/OEC)

- (5) Nina Bell for Coalition for Safe Power (CSP) with whom was Lloyd K. Marbet.
- (6) Robert Lothrop for Columbia River Inter-Tribal Fish Commission

At the beginning of the conference, F. Theodore Thomsen, Esquire, counsel for the Applicant suggested, as he had in a letter dated April 26, 1982, addressed to the respective Chairmen of the Board Atomic Safety and Licensing Board and the Washington Energy Facility Site Evaluation Council, that the environmental hearings be postponed until next year. Mr. Thomsen stated that because of uncertainties that have arisen due to two new load forecasts, the need for power issue could be more efficiently conducted and more productive if it were held sometime in early '83 after the 20 year forecast of regional electricity demand included in the WNP 4 and 5 study commissioned by the Washington State Legislature becomes available, and after the BPA draft forecast is final. He further stated that the safety issues hearings could proceed this summer.

Miss Bell for CSP opposed going forward as suggested by Applicant claiming that to do so would place a burden on all parties. Miss Bell orally moved that consideration of contentions, discovery etc. be delayed "until Applicant has completed their application on need for power."

Mr. Cavanagh argued that the need for power from this proposed plant is not an uncertain question given the findings of the Washington State forecasts and his own analysis that the need does not exist.

Mr. Black of the NRC Staff argued that it is NRC policy that if there is an application before the Staff it will continue its review.

After reviewing the record which has been made in response to Applicant's suggestion to delay consideration of the need for power issue, especially the well organized joint comments and recommendations of the National Resources Defense Council and the National Wildlife Federation, the Board has determined that it must go forward in view of the NRC policy to that effect. A schedule for this proceeding will be adopted as soon as all of the parties have been given an opportunity to participate in establishing it. Notice of such an opportunity will be given in due course.

For the reasons set forth above, CSP's oral motion to defer consideration of this application is denied.

1. NRDC's Petition to Intervene

The prehearing conference record shows that NRDC has established standing for the purpose of intervening as of right in this proceeding.

In addition, the wording of NRDC's four contentions relating to need for power and alternative resources show the specific aspects of the subject matter of the proceedings as to which the petitioner wishes to intervene as well as the basis therefore.

The Board rules that the NRDC's petition to intervene is granted. The four contentions referred to above are admitted as issues in controversy. A separate order will issue setting forth verbatim all of the contentions that are admitted as issues in this matter.

2. National Wildlife Federation (NWF) and the Oregon
Environmental Council's (OEC) Petition to Intervene

No affidavit has been filed showing that OEC has members who live within 50 miles of the proposed plant. Action on the petition to intervene by OEC is suspended until such an affidavit is received.

The record shows that the NWF has the required standing in this matter and its petition to intervene has been accepted. The Applicant and the NRC Staff spoke in support of NWF's admission and there was a discussion on the admissibility of NWF's six contentions. That question will be disposed of in the separate order, referred to above, to be issued setting forth admitted contentions.

3. Coalition for Safe Power's (CSP) Amended Petition to Intervene

The Applicant and the NRC Staff stated general objections to each of the seventy contentions listed by CSP on the grounds of lack of basis and specificity.

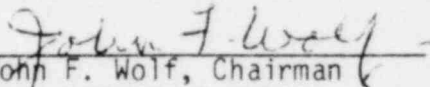
CSP's contentions will be dealt with in the separate order delineating the contentions that are acceptable.

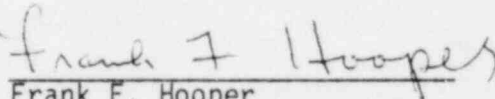
Mr. Robert Lothrop of the Columbia River Inter-Tribal Fish Commission was given permission to make a statement on the record. He advised the Board that the Columbia River Inter-Tribal Fish Commission will petition to intervene in this matter.

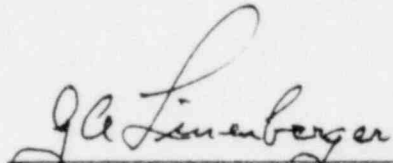
For the reasons set forth above, (1) the National Resources Defense Council; and (2) the National Wildlife Federation are permitted to intervene. CSP petition to intervene was previously granted in the Board's Memorandum and Order issued on the 5th day of April, 1982 in response to petition to intervene. However, as stated in that order, under the terms of 10 CFR § 2.714(b) a petitioner who fails to file a supplement to its petition which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party. CSP has not yet complied with such requirement.

It is so ORDERED this 1st day of July 1982.

THE ATOMIC SAFETY AND
LICENSING BOARD


John F. Wolf, Chairman
ADMINISTRATIVE JUDGE


Frank F. Hooper
ADMINISTRATIVE JUDGE


Gustave A. Linenberger, Jr.
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