



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1982

50-522

Russell Jim, Councilman
Yakima Indian Nation
Post Office Box 151
Toppenish, Washington 98948

In the Matter of
Puget Sound Power & Light Company, et al.
(Skagit/Hanford Nuclear Power Project, Units 1 and 2)

Dear Mr. Jim:

This is in response to your August 30, 1982 letter to me in which you stated that the joint U.S. Nuclear Regulatory Commission (NRC) and the Energy Facility Site Evaluation Council (EFSEC) Skagit/Hanford DEIS (NUREG-0894, April 1982) was seriously flawed because it did not recognize the existence of the Yakima Indian Nation and it failed to address the "significant adverse impacts to our Nation and People." As you should know, both the NRC and EFSEC have been aware of the close proximity of the Yakima Indian Reservation to the Skagit/Hanford site. In fact, numerous efforts have been made to discuss with representatives of the Yakima Nation what unique adverse impacts the nuclear project may have on Tribal interests or rights. For your information, I am attaching copies of three letters which were sent to the tribe on January 18, February 22, and March 11, 1982, expressing a desire by the NRC and EFSEC to meet with representatives of the Yakima Nation to discuss their concerns. To date, the Yakima Nation has not availed itself of the opportunity to meet nor has it submitted anything in writing to NRC/EFSEC (including comments to the DEIS) which would indicate the particular concerns. Without identification and knowledge of your unique concerns, we would have to assume that either the impacts identified and assessed in the DEIS would apply equally to the Yakima Indian Nation as to any other member of the public, or that you are satisfied with the assessment. In any event, we regret that discussions have not previously taken place.

Regardless of these inactions in the past, the late-filed petition to intervene submitted by the Yakima Indian Nation on May 10, 1982, was granted by the Atomic Safety and Licensing Board on September 3, 1982. Accordingly, this grant of intervention status provides you another opportunity to

articulate your specific concerns regarding the Skagit/Hanford project and the inadequacies of the DEIS. Since the initial petition did not set forth any specific admissible contentions, the Licensing Board granted the petition subject to the specification of contentions on or before October 1, 1982. Upon formulation and admission by the Licensing Board of your contentions, the reviewing staffs of both NRC and EFSEC believe it is in the interest of all parties to discuss these matters for a complete understanding of your unique and specific concerns so that they may be fully responded to.

Sincerely,

Richard L. Black
Counsel for NRC Staff

Enclosure: As stated

cc: Mr. Nicholas D. Lewis, Chairman
Energy Facility Site Evaluation Council
820 East 5th Avenue
Olympia, Washington

DS07

OFC	:OELD <i>RLB</i>	:OELD	:OELD <i>ES</i>	:	:	:	:
NAME	:R.Black/les	:E.Reis <i>ER</i>	:E.Christenbury	:	:	:	:
DATE	:09/10/82	:09/10/82	:09/14/82	:	:	:	:

JOHN SPELLMAN
Governor



NICHOLAS D. LEV
Chairman

STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

Mail Stop PY-11 • Olympia Washington 98504 • (206) 459-6490 • (SCAN) 585-6490

January 18, 1982

Mr. Johnson Neninick
Tribal Chairman
Yakima Indian Nation
P.O. Box 151
Toppenish, WA 98948

Dear Mr. Neninick:

I am writing to request a meeting with your council and staff to discuss the application of the Puget Sound Power and Light Company to site two nuclear plants on the Hanford Reservation. I would expect one or two members of the Energy Facility Site Evaluation Council (EFSEC), two members of EFSEC staff, representatives of the URS Company, who are consultants for EFSEC, and a representative of the Nuclear Regulatory Commission to accompany us on this visit.

We would like to hear your concerns as they relate to these nuclear plants. We met last year with the Spokane and Colville Confederated Indian Tribes and were able as a result of that meeting to have a better understanding of their concerns about the Creston Generating Station. We also would like to explain our jurisdiction so that you can understand what we can or cannot do to mitigate the impacts of the plants.

You indicated that your schedules were full, so let me suggest a time that appears fairly good for us. February 4, 1982 would be a good day for us. I would suggest that we could meet from 10:00 a.m. till mid-afternoon if necessary. The NRC representative will be available only on February 4, 1982.

If this time is not acceptable please let me know as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "James E. Connolly".

James E. Connolly
Projects Review Manager

JEC:se

bcc: Ted Thomsen
Bill Fitch
George Hansen
Grant Bailey, URS
Jan Norris, NRC ✓
App. Review Committee

JOHN SPELLMAN
Governor



NICHOLAS D. LEV
Chairman

STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

Mail Stop PY-11 • Olympia, Washington 98504 • (206) 459-6490 • (SCAN) 585-6490

February 22, 1982

Mr. Johnson Meninick, Chairman
Yakima Tribal Council
Yakima Indian Nation
P.O. Box 151
Toppenish, WA 98948

Dear Mr. Meninick:

Some time ago, I wrote requesting a meeting with members of your council and staff. Apparently you haven't been able to make arrangements and that is fine with me since we have been extra busy.

Our council is still interested in a meeting with you when ever it can be arranged. Please contact me to make final arrangements.

Sincerely,

A handwritten signature in cursive script that reads "Jim Connolly".

Jim Connolly, Manager
Technical Review Staff

JC:mg

cc: Russell Jim, Councilman
Yakima Indian Nation



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

D Black

March 11, 1982

Mr. Russell Jim
Tribal Councilman
Consolidated Tribes and Bands
Yakima Indian Nation
P.O. Box 151
Toppenish, Washington 98948

In the Matter of
Puget Sound Power & Light
(Skagit/Hanford Nuclear Power Project,
Units 1 and 2)
Docket Nos. STN 50-522 & STN 50-523

Dear Mr. Jim:

It has come to my attention through a telephone conversation with Erline Reber that the Yakima Indian Nation wishes to intervene in the Skagit/Hanford proceeding before the U.S. Nuclear Regulatory Commission (NRC). This proceeding involves Puget Sound Power & Light Company's, et al. application for construction permits for two nuclear reactors at the Department of Energy's Hanford Reservation in Benton County, Washington. A copy of the Notice of Receipt of Amended Application and Notice of Hearing, which was published in the Federal Register on February 5, 1982 (47 Fed. Reg. 5554), was mailed to you on February 10, 1982. In case that copy escaped your attention, I am enclosing another one for your information.

You will notice that the Notice of Hearing provided that petitions to intervene were due to be filed by March 8, 1982. Since that date has passed, any petition to intervene submitted by the Yakima Indian Nation would be untimely. Untimely petitions to intervene can be filed, but they will not be entertained absent a determination by the Atomic Safety and Licensing Board that the petitioner has made a substantial showing of good cause for the granting of a late petition. That determination will be based upon a balancing of the factors specified in 10 C.F.R. § 2.714(a)(1)(i)-(v)) and § 2.714(d). A copy of 10 C.F.R. § 2.714 has also been enclosed for your convenience.

The NRC does not wish to either encourage or discourage your intervention in this proceeding. That is a legal consideration which should be decided by you after consultation with the Consolidated Tribes and your attorney. It is a question, however, which should be resolved as soon as possible in order that your untimely intervention petition, if filed, would be considered in a light most favorable to you. Since hearings on this application are scheduled to

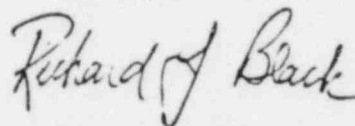
92032062

commence in mid-June, 1982, a substantial delay in the submission of a petition to intervene could result in a prejudice to you in your preparation for hearing as well as a prejudice to all other parties and, ultimately, might result in a denial of your intervention attempt.

Regardless of your decision on intervention in this proceeding, the NRC and the State of Washington believe it is very important to discuss with the Yakima Indian Nation the effect of the Skagit/Hanford application on the Consolidated Tribes. These effects would include public health and safety, economic, environmental and cultural. It is my understanding that meetings have been attempted in the past, but for some reason or another, they have never taken place. Please understand that we desire these discussions very much and we think it is crucial to our environmental and safety reviews that we understand your concerns and unique situation as a sovereign nation. It is certainly imperative that we be made aware of any treaty rights which might be affected by this application.

Any meeting with you should be scheduled as quickly as possible since reviews are nearing completion. I hope that you will take this opportunity to contact me directly (301-492-7806) so that discussions can commence and meetings be scheduled.

Sincerely,



Richard L. Black
Counsel for NRC Staff

Enclosure

cc: Mrs. Erline Peber (w/enclosure)
1010 Crest Acres Place
Yakima, Wa. 98908

Mr. Nicholas D. Lewis, Chairman
Energy Facility Site Evaluation Council
820 East 5th Avenue
Olympia, Washington 98504