

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM,)
et. al.)
)
(WPPSS Nuclear Project No. 1))

Docket No. 50-460 OL SERVICE
BRANCH

COALITION FOR SAFE POWER POSITION ON PROTECTIVE ORDER - FEB. 7, 1983

Pursuant to the Atomic Safety and Licensing Board Order of January 26, 1983 (TR at 107), Petitioner Coalition for Safe Power (hereinafter known as "Coalition") hereby submits its position on the need for, and proposed wording of, a protective order for membership information required to establish the bona fide nature of Petitioner's claim of standing in the above case.

Petitioner asserts at the outset that there is no further information or documentation needed in order to establish that the organization has standing in this proceeding. The record, as it presently stands, includes an affidavit from the Director of the Coalition, attached to the (original) Request for Hearing and Petition for Leave to Intervene, dated September 10, 1982, which states in part:

2. That the Coalition for Safe Power has members who live within a fifty-mile radius of the WPPSS Nuclear Project No. 1 site, and as close as twenty miles; and
3. That certain of these members have authorized the officers of the Coalition for Safe Power to file the attached Request for Hearing and Petition for Leave to Intervene on their behalf.

Thus, by sworn affidavit, it is established that the Coalition has members who live within a fifty-mile radius of WNP-1. This is further established by examination of the record of the WNP-1 Construction Permit Extension (Docket No. 50-460 CPA) and the WNP-2 Construction

Permit Extension (Docket No. 50-397 CPA), wherein membership affidavits were filed by Petitioner.

The use of an affidavit from an officer of a petitioning organization has been addressed by the Appeal Board in Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1) ALAB-535, 9 NRC 377 (1979) where it was concluded that such a device would have been unacceptable because it would have contained unverifiable conclusionary assertions. The Director's affidavit submitted by Petitioner in the instant case, however, differs in the scope of the facts which were, and needed to be, alleged. Here, the affidavit seeks only to establish that the organization has members who reside within the geographical zone of interests. In Allens Creek, supra, the conclusionary, and thus unverifiable, assertion which would have been required would have been the specific "anti-nuclear" interest of an individual member of an organization with a broad range of activities which, as will be shown below, is not required in the present case.

An affidavit from a member or members of an organization within the geographical zone of interests may be required in some cases of the petitioning organization to determine whether the organization actually represents members who consider that their interests would be affected by the outcome of the proceeding. In pursuing the question of what is necessary for a showing of interests, the Appeals Board in Allens Creek stated that:

Insofar as we are aware, joining and retaining membership in the [National Lawyers] Guild does not signify adherence to any particular views regarding the desirability of nuclear power facilities...Nor, more importantly, does there appear to be any necessary link between holding Guild membership and possessing an interest which might be affected by the construction or operation of such a facility.

The Board must apply this test to the Coalition and its members. As stated in the original petition, the Coalition was formed to work for "safe energy" which is a euphemism for 'against nuclear power'. It states further that it has represented its members "on questions of nuclear power safety and licensing, and on electrical utility rates." Applicant assertions that participation in ratehearings broadens the organization's position on nuclear power is specious. TR at 28. See also Applicant's Amended Answer In Opposition to Amended Request for Hearing And Petition For Leave to Intervene, November 11, 1982 at 7. The Coalition exists solely for the purpose of opposing nuclear power in the Northwest, as can be seen by the membership brochures which are attached. Its work has been and continues to be carried out in a manner usual to anti-nuclear organizations in the United States.

Intervention and participation in proceedings before all state and federal agencies who regulate nuclear power, including public utility commissioners, is a common practice of such organizations. The Coalition intervenes before the Oregon Public Utility Commissioner on matters related to nuclear power. Thus, the organizational purpose is clear and membership in the organization signifies adherence to the view that construction and operation of nuclear facilities is undesirable and should be halted. Membership in the Coalition is necessarily linked with possessing an interest which would be adversely affected by the continued construction and operation of the facility under consideration in this proceeding.

Allens Creek also addressed the question of authorization required for a petition, stating that:

...unless an organization's charter provides to the contrary, mere membership in it does not ordinarily constitute blanket authorization for the organization to represent any of the members' personal interest it cares to without his or her consent.

This does not mean that, in the case of all organizations there need be supplied a specific representational authorization of a member with personal standing. To the contrary, in some instances the authorization might be presumed.

For example, such a presumption could well be appropriate where it appeared that the sole or primary purpose of the petitioner organization was to oppose nuclear power in general or the facility at bar in particular. In such a situation it might be reasonably inferred that, by joining the organization, the members were implicitly authorizing it to represent any personal interests which might be affected by the proceeding.

Mere membership in the Coalition implies authorization for the filing of the petition in this case. Not only is the primary purpose of the organization clearly its opposition to nuclear power but its membership solicitation (attached) states that members will "receive legal representation in hearing." At the very least, should the Board require the naming of individuals who reside within a fifty-mile radius of the plant, it need not require affidavits from these members, who are both presumed to have an interest, and who have implicitly authorized the Coalition to represent them by the fact of their membership.

The Appeals Board in Allens Creek considered the question of the disclosure requirement relyin upon NAACP v. Alabama, 357 U.S. 449 (1958) for direction, quoting at 462-3:

Petitioner has made an uncontroverted showing that on past occasions revelation of the identity of its rank-and-file members has exposed these members to economic reprisal, loss of employment, threats of physical coercion, and other manifestations of public hostility. Under these circumstances, we think it apparent that compelled disclosure of petitioner's Alabama membership is likely to affect adversely the ability of petitioner and its members to pursue their collective effort to foster beliefs which they admittedly have the right to advocate...

The Appeals Board in Allens Creek criticized the National Lawyers Guild for not even attempting to:

[make] a concrete demonstration that its members have been subjected in the past, or are likely to be subjected in the future, should their identities be disclosed, to anything remotely approaching the kind of treatment that identified NAACP members were shown to have encountered.

The Appeals Board continued:

Upon determination that an adequate showing has been made that public revelation of the identity of a member of the petitioner organization might threaten rights of association, the licensing board should place a protective order upon that information. The order should provide that the information need be supplied only to the members of the Board and one or more designated representatives of the other parties to the proceeding. Additionally, it should prohibit further dissemination of the information to anyone (other than a member of a reviewing tribunal).

Petitioner submits that, in the past, petitioner's authorizing member has been subjected to both harrassment and threats to employment.

TR at 90. In the first instance, the member authorizing the Request for Hearing and Petition for Leave to Intervene in the Construction Permit proceeding for the Skagit/Hanford Nuclear Plant was called repeatedly by Counsel for Applicant Puget Sound Power and Light (without prior notification or permission from Petitioner). TR 38-41. Not only was he contacted, but urged to withdraw his support from both the petition itself and various contentions. Additionally, and more significantly, whether through common public knowledge (ie. media) or by effort of the Applicant, his employer was informed of his role (ie. his association with the Coalition) in the proceeding. Following this revelation he was severely reprimanded by his employer, counseled not to repeat his acts and generally put on notice that such behaviour threatened his very employment.

This same member had previously authorized the filing of petitions to intervene in the Construction Permit Extension requests for WNP-1 and WNP-2. (He did not withdraw his support from any of these petitions.) In May of 1982 he told Petitioner's representative, Nina Bell, that he had been contacted by representatives of the Washington Public Power Supply System regarding the above petitions to intervene.

Such actions were taken without prior notification or permission of

Petitioner. Thus, the Applicant in this case has also subjected Petitioner's members to harrassment by exerting pressure upon him to withdraw his support from the petitions which were filed in early 1982. Between Applicant in the instant case and Applicant for the Skagit/Hanford Nuclear Project, this member has been contacted repeatedly. Again, more importantly, while he has not yet lost his present employment, such employment has been directly threatened by his association with the organization.

Petitioner asserts that this problem is unique to the Hanford area and the federal reservation at Savannah River, South Carolina.

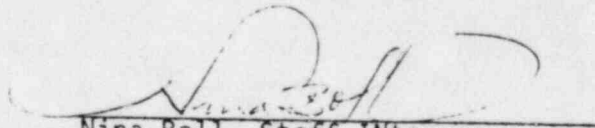
This situation, which is characterized by almost unanimous support from the surrounding population and economic dependence of the community on the nuclear industry, is characterized as the "halo effect" by the Los Alamos National Laboratory. See "Some Political Issues Related to Future Special Nuclear Materials Production" by A.T. Peaslee Jr., Los Alamos National Laboratory, LA-8969-MS, August 1981. All employment in the Hanford area is either for, or dependent on, the nuclear industry. A person who has lost a job because of questions of association such as exist here is not likely to be able to find future employment in the area. The experience outlined above makes an adequate showing of potential harm required by Allens Creek thus necessitating the use of a protective order.

The Appeals Board in Allens Creek provided guidance to licensing boards on the issue of protective orders. Petitioner concurs that such an order should provide that information on the identity of Petitioner's members need only be supplied to the Board and designated representatives of other parties. It should, additionally, absolutely prohibit dissemination of such information to any other parties or other representatives of the designated parties.

Only with the issuance and observance of a protective order would Petitioner's members be assured of the right of association free from harrassment of any sort by any person or institution and without fear from economic and employment reprisals. Furthermore, Petitioner's participation in the dockets refered to above (Skagit/Hanford Nuclear Project CP, WNP-1 CPA, WNP-2 CPA) has established a record that the organization does not desire to withhold information from the parties by has been forced to do so in this instance due to circumstances beyond its control.

WHEREFORE, Petitioner praysfor an Order granting intervention status to Petition Coalition for Safe Power without further documentation and, in the alternative, an Order authorizing the release of names of Petitioner's members under protective order as outlined by the Appeals Board in Allens Creek.

Respectfully submitted,



Nina Bell, Staff INTERvenor
Coalition for Safe Power

Dated this day, the seventh
of February, 1983.

Become a Friend of the Coalition

From the hearing room to the schools, the Coalition works for a non-nuclear future. We strive to enhance the safety of the Trojan nuclear plant and envision its permanent closure. Additional efforts are aimed at halting new nuclear construction. We support others in making the transition to renewable energy resources.

To make this all possible we need your help and contributions. In becoming a Friend, you will receive the newsletter, will be apprised of important events and how to participate in them and will receive legal representation in hearings.

The Coalition has helped keep Trojan closed and its education program has touched thousands of students. With your help, we can do even more.



I want to become a Friend of the Coalition.

- | | |
|--|---|
| <input type="checkbox"/> General \$10.00 | <input type="checkbox"/> Supporting \$25.00 |
| <input type="checkbox"/> Low-Income \$5.00 | <input type="checkbox"/> Contributing \$50.00 |
| <input type="checkbox"/> Family \$15.00 | <input type="checkbox"/> Sustaining \$100.00 |

Donations are Tax Deductible

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Phone _____

Please contact me to help:

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|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> Office work | <input type="checkbox"/> Typing |
| <input type="checkbox"/> Research | <input type="checkbox"/> Phoning |
| <input type="checkbox"/> Education | <input type="checkbox"/> Graphics |
| <input type="checkbox"/> Other _____ | |

What's Wrong with Nuclear Energy?

Safety Hazards

Nuclear plants have a history of safety problems and mismanagement. Government studies show that a meltdown at a nuclear power plant would cause an estimated 145,000 deaths and render an area the size of Pennsylvania uninhabitable. The Union of Concerned Scientists estimates that we can expect a serious nuclear accident in the United States once every year by the year 1985.

Radiation Effects

Nuclear reactors routinely release low-level radiation into the air and water which then accumulates in the human body. There is no safe level of radiation: even the smallest doses of low-level radiation can cause cancer, leukemia, heart and blood disorders and genetic damage in future generations.

Employment

Nuclear power has a bad employment record—few workers and dangerous jobs. Workers in nuclear facilities forfeit their health for utility profits.

Nuclear Wastes

Government studies and utility promises notwithstanding, there is no technology for the processing and safe storage of nuclear wastes. The more than thirty tons of waste produced annually at a nuclear plant must be kept out of the environment for a quarter of a million years.

What Are the Alternatives?

Conservation

Conservation can save over thirty percent of the energy presently consumed in the Northwest without affecting lifestyles. Saving energy is a good investment in the future, lowers utility bills and the price of consumer goods, and eliminates the demand for new thermal generating plants.

Solar

The use of solar energy for hot water and home space heating is clean, cost effective and produces jobs. Photovoltaic cells are able to produce electricity for other functions.

Cogeneration

Cogeneration utilizes the waste steam from industries to produce electricity. Some European countries use cogeneration for thirty percent of their energy needs. There is enough capacity for cogeneration in the region to equal several large nuclear plants.

Wind, Hydro and Tidal

Windmills, tidal power and low-head hydro together claim a potential for generating capacity greater than the equivalent of seven nuclear plants in the Northwest. Such energy sources will lead to energy independence for the region.

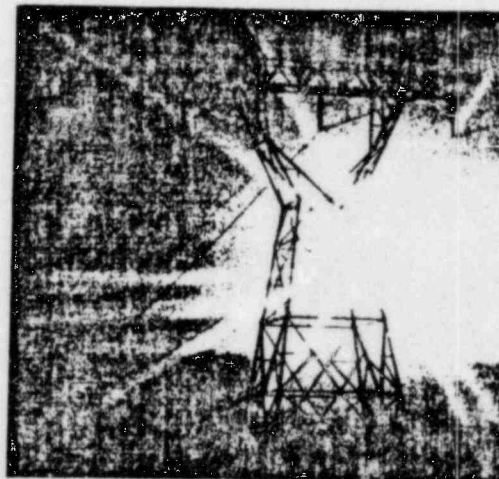
Biomass

Biomass, in the form of methane from organic wastes or wood pellets, can be used in furnaces, cars and generators. Biomass is a renewable resource easily integrated into today's world.

Geothermal

The hot water and steam under the ground are used to heat homes and water in areas where geothermal energy is abundant.

The Coalition for Safe Power



410 Governor Building
408 Southwest Second Avenue
Portland, Oregon 97204
(503) 295-0490

For a Non-Nuclear Future

The Coalition for Safe Power

The Coalition for Safe Power was formed in 1969 to work against the construction of the Trojan Nuclear Power plant located 32 air miles from Portland, Oregon, on the Columbia River. Now, in the 1980s, the Coalition has broadened its focus to encompass the entire Northwest region: opposing the operation of Trojan, the construction of the proposed Skagit-Hanford plants, the continued construction of five nuclear projects of the Washington Public Power Supply System (WPPSS) and nuclear waste, weapons and research facilities at Hanford, Washington. Through public education, research and participation in state and federal hearings, the Coalition continues its work for a non-nuclear future.

Public Education

The Coalition's education program makes speakers available to schools and community groups, debates and talkshows. The Coalition holds press conferences regularly to alert the public to important information and events. Educational literature and videotapes, on nuclear issues and alternative energy sources, are also produced by the organization, including a newsletter for Coalition members.

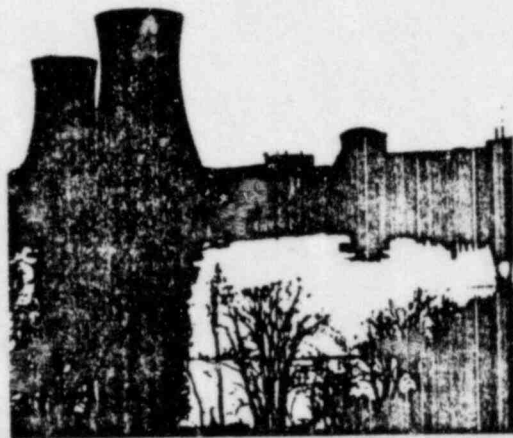
Legal Intervention

The Coalition is a legal party (intervenor) in proceedings before the Nuclear Regulatory Commission (NRC) on licenses for the Trojan, Skagit/Hanford and WPPSS nuclear plants. In the past, the Coalition has intervened in the expansion of the spent nuclear fuel pool at Trojan and in the Trojan Control Building earthquake safety hearings. In addition, the Coalition has filed numerous petitions before the NRC, addressing such issues as the effect of Mt. St. Helens on Trojan's safety, fire protection and safety equipment at Trojan, and false statements made by WPPSS.

On the state level, the Coalition participates regularly in meetings of the Oregon Energy Facility Siting Council (EFSC). The Coalition has filed petitions with the EFSC requesting the suspension of the Trojan Operating License due to safety problems. Before the Oregon Public Utility Commissioner (PUC) the Coalition has intervened to prevent ratepayers from paying for costly nuclear projects.

Research

The Coalition has ongoing research projects on the health and safety problems of the Trojan plant, construction and management failures at the WPPSS nuclear projects and effect of nuclear power on Northwest electricity utility rates. Results of these research projects, and the regular monitoring of government documents, are used in regulatory proceedings in public forums and debates and in the preparation of educational literature. The Coalition makes this research available to the public through community and anti-nuclear groups.



Need for Power and Alternatives

The utilities and industry in the Northwest, with the cooperation of the state and federal government, have consistently overstated the need for electrical energy in the region. At the same time, the potential contribution of alternative sources of energy has been dramatically downplayed. The rate of increase of energy consumption has slowed significantly in recent years, eliminating the need for capital-intensive thermal plants in the region. This, along with skyrocketing costs of thermal plants (coal and nuclear), and the curtailment of financing, has forced some utilities to pull back on construction plans. Since utilities are reluctant to do so, some energy planners foresee the use of the Pacific Northwest as an energy exporter, shipping our excess power to the Southwest states.

Alternative sources of energy, such as solar, conservation, co-generation, wind and biomass, are more sensible economically and less harmful to the environment. Alternatives have other advantages as well: they have a relatively short lead time, require smaller amounts of capital, are more sensitive to changes in energy demand and are more reliable. Alternative sources create many more jobs per unit of energy produced than do thermal sources and help to provide economic stability.

The Nuclear Northwest

In 1943, two years before the atomic bomb Trinity was exploded in New Mexico, scientists began producing plutonium at the first of eight nuclear reactors built for that purpose along the Columbia River near Richland, Washington. President Eisenhower launched the Atoms for Peace program in 1953 which was designed to show Americans that nuclear energy could be used for purposes other than war. By 1969, twenty commercial nuclear power plants were planned for the Northwest. While only a fraction of these reactors have actually been built, the experimental technology of nuclear energy has already left its mark in the Northwest.

Nearly all aspects of the nuclear fuel cycle, from the mining of uranium to the storage of nuclear wastes, are being conducted in the Northwest for the commercial and military nuclear industry. The beginning of the cycle, the mining and milling of uranium, has contaminated the land and water of Southeast Oregon and Northeast Washington. This uranium ore is then transported to enrichment facilities outside the region. Fuel fabrication, the next step in the cycle, is conducted on the Hanford Reservation and has been the site of numerous accidents and radioactive spills. Even more dangerous is the N-reactor, which produces plutonium for weapons as well as electricity but lacks standard safety features such as a containment building required for non-military plants. The Fast Flux Test Facility (FFTF), a test breeder reactor, is cooled with explosive gases and uses fuel rods known to be defective. Also at Hanford are three commercial nuclear plants under construction by WPPSS. At Saco, Washington, two more WPPSS nuclear plants are under construction. Also in the western section of the region, and operating in violation of safety regulations since 1976, is the Trojan plant, the Northwest's only operating commercial reactor.

Throughout this nuclear fuel cycle, from the mining of uranium fuel to the production of electricity, nuclear wastes are created. Many are to be found at the site of production, such as the spent nuclear fuel rods stored at Trojan. Vast quantities of wastes, including the highly toxic material plutonium, are stored at Hanford where they have been leaking for decades. Hanford is also the top candidate for storage of high level wastes from nuclear plants across the country.



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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
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In the Matter of)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM)
(WNP-1))
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Docket No. 50-460-91
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "COALITION FOR SAFE POWER POSITION ON PROTECTIVE ORDER - FEB.7,1983," in the above captioned proceeding have been served on the following by deposit in the U.S. Mail, firstclass, postage prepaid, on this 7th day of February 1983:

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