

10/20/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
PUGET SOUND POWER & LIGHT)
COMPANY, ET AL.)
)
(Skagit/Hanford Nuclear Power)
Project, Units 1 and 2))

Docket Nos. STN 50-522
STN 50-523

NRC STAFF RESPONSE TO CONTENTIONS OF
YAKIMA INDIAN NATIONS AS SET FORTH IN
ITS SUPPLEMENT TO PETITION TO INTERVENE

I. INTRODUCTION

On May 10, 1982 Confederated Tribes and Band of the Yakima Indian Nation (YIN) filed an untimely petition to intervene in this proceeding. By Order of September 3, 1982 the Licensing Board granted intervention with respect to this late filed petition on the condition that YIN file at least one acceptable contention on or before October 1, 1982.

Pursuant to this Licensing Board Order and the provisions of 10 C.F.R. 2.714(b), on September 30, 1982 YIN filed this timely Supplement to its Petition to Intervene setting forth the contentions it wishes to litigate in this proceeding.^{1/}

1/ The requirements for contentions in NRC licensing proceedings have been discussed in the NRC Staff Response to untimely petitions to Intervene filed by the Columbia River Inter-Tribal Fish Commission and the Yakima Indian Nation, dated May 28, 1982 (pp. 14-16), and need not be repeated here.

DESIGNATED ORIGINAL

Certified By

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II. DISCUSSION OF CONTENTIONS

Contention 1 Applicants Have Relied On An Inflated Calculation Of Demand For Electrical Power; Reliable Regional Energy Forecasts Demonstrate No Need For The SKAGIT/HANFORD Project.

For this contention, YIN states that it is incorporating by reference the contentions and bases for those contentions filed by Natural Resource Defense Counsel (NRDC). Staff has no objections to the admission of YIN Contention 1. The language of this contention is substantially similar to NRDC's Contention 1^{2/} and is the exact language of the National Wildlife Federation/Oregon Environmental Council's (NWF/OEC) Contention 1.^{3/} The Licensing Board has already admitted both NRDC Contention 1 and NWF/OEC Contention 1 as acceptable contentions in this proceeding.^{4/}

Staff notes that there are also a number of other YIN contentions which are the same or substantially similar to contentions filed by other Intervenors in this proceeding and that other Intervenors have also filed the same contentions as others. Pursuant to Commission policy to conduct licensing proceedings as efficiently as possible, it will be necessary

^{2/} Supplement to Amended Petition of the Natural Resources Defense Council, Inc. For Leave to Intervene: Contentions at 1 (April 20, 1982) (hereinafter cited as NRDC Contentions).

^{3/} Second Supplement to Petition to Intervene of National Wildlife Federation and Oregon Environmental Council, at 1 (May 21, 1982) (hereinafter cited as NWF/OEC Contentions).

^{4/} Atomic Safety and Licensing Board Memorandum and Order, at 1-2 (July 6, 1982) (hereinafter cited as July 6, 1982 Board Order).

to consolidate the similar contentions and to assign lead intervenors for purposes of the presentation of evidence, conduct of cross-examination, discovery, and other procedural matters.^{5/}

Contention 2 The Applicant Has Used An Inaccurately Low Estimate On The Environmental And Financing Cost Of The Project In Its Benefit/Cost Ratio.

As a basis for this contention YIN states that it incorporates by reference the contentions and bases filed by NWF/OEC. Staff has no objection to the admission of this contention since it is exactly the same as NWF/OEC Contention 3^{6/} which has already been admitted by the Licensing Board.^{7/}

Contention 3 There Are Cost-Effective, Environmentally Preferable Alternatives To The Project; The Environmental Report Is Inadequate In Its Discussion Of Those Alternatives.^{8/}

Staff does not oppose this contention since it is substantially similar to NRDC's Contention 4^{9/} which has been accepted by the Licensing Board.^{10/}

^{5/} See Statement of Policy on Conduct of NRC Proceedings, 13 NRC 452, 455 (1981).

^{6/} NWF/OEC Contentions at 2.

^{7/} July 6, 1982 Board Order at 2.

^{8/} As part of this contention YIN also incorporates by reference the contentions and bases filed by NRDC.

^{9/} NRDC Contentions at 13-21.

^{10/} July 6, 1982 Board Order at 2.

Contention 4 The Acquisition of SKAGIT/HANFORD By Bonneville Power Administration Is Highly Unlikely. That Unlikelihood Is Crucial To Determining The Financial Ability Of The Project.

This contention should be rejected since it is essentially the same as NWF/OEC's Contention 5E^{11/} which the Licensing Board previously has rejected.^{12/} Rejection of this contention is also necessary since, as explained by Staff in its June 11, 1982 Response to NWF/OEC, the Commission's Rules preclude consideration of an applicant's financial qualifications to construct a nuclear project (47 Fed. Reg. 13750 - March 31, 1982). Furthermore, as noted in Staff's response, it is irrelevant whether the project is financed by Applicant or BPA since the cost/benefit ratio to society as a whole would not be altered in either event.^{13/}

Contention 5 The Environmental Impacts Of The Proposed SKAGIT/HANFORD Nuclear Project On Columbia River Fish And Wildlife Resources Have Not Been Fully Assessed. Furthermore, Environmental Impacts Must Not Infringe Indian Treaty Rights.

For this contention YIN incorporates by reference the contentions and bases of NWF/OEC Contention 4.^{14/} Because the Licensing Board has deferred acceptance of NWF/OEC Contention 4 without prejudice to raising it again upon additional information becoming available (e.g.: the publication of the S/HNP FES and the Northwest Regional Council's regional

^{11/} NWF/OEC's Contentions at 3.

^{12/} July 6, 1982 Order at 3.

^{13/} NRC Staff Response to Amended Contentions of NWF/OEC at 3-4 (June 11, 1982).

^{14/} NWF/OEC Contentions at 5-7.

resource analysis)^{15/}, YIN'S Contention 5 should likewise be rejected without prejudice to its later submission.

In addition to adopting NWF/OEC's Contention 4, YIN also makes various other assertions regarding this contention. First, at pages two through sixteen of its Petition it sets forth a variety of possible contentions to include its claims that: (1) the Indian Tribes in question have certain guaranteed treaty rights to the use of the lands and resources which must not be impaired by the Skagit/Hanford facility, (2) Applicant has not addressed the cumulative effects of non-natural radiation which would invade the air and water, and (3) the Applicant has not addressed the present safety of the Hanford Nuclear Reserve. The arguments made in this portion of YIN's brief lack basis and specificity. For example, in arguing that the Applicant has failed to take the alleged matters into consideration, YIN has not provided an explanation to show how Applicants' Environmental Report is incomplete. In addition to this lack of basis and specificity, it should be pointed out that the radiological arguments YIN makes in this section are duplicative of the arguments which it later makes in its brief for Contention 6. Also, YIN's complaints concerning the Hanford Reservation are not appropriate since that facility is not being licensed in this proceeding. Finally, it should be pointed out that YIN's allegation regarding Indian Treaty rights do not involve factual matters in dispute and is therefore not a litigable issue; hence, this allegation does not qualify as a contention.

^{15/} July 6, 1982 Board Order at 3.

One other point regarding YIN's Indian Treaty right assertion is that YIN's listing the numerous volumes of books as a basis for this claim is not appropriate. A petition is not permitted to incorporate massive documents by reference as a basis for, or statement of contentions. TVA (Browns Ferry Nuclear Plant, Units 1 & 2), LBP-76-10, 3 NRC 200, 216 (1976).

In addition to these general arguments, YIN has also set forth various other assertions (A through N) regarding Contention 5. To the extent that these assertions involve water pollution issues, it should be pointed out that the substantive regulation of this subject matter is exclusively within the province of the Environmental Protection Agency. Although the NRC must weigh degradation of water quality in its NEPA cost-benefit analysis, this still does not alter EPA's responsibility and the NRC may not undercut EPA by undertaking its own analysis and reaching its own conclusions on water quality issues already decided by EPA. Virginia Electric & Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-568, 10 NRC 554, 561 (1979); Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-78-1, 7 NRC 1, 23-24 (1978), affd. New England Coalition v. U.S.N.R.C. 582 F.2d 87, 98 (1st Cir, 1978), Public Service Company of New Hampshire, supra, CLI-78-17, 8 NRC 179, 180 (1978).

These additional assertions with Staff's comments regarding their admissibility, are as follows.

A. Toxic Effects Of Contaminants In Columbia River And Project Discharge.

The assertion in this section is that arsenic, barium, cobalt and silver have not been described and analyzed to determine their toxicity

to fish. This section appears to have been essentially copied by YIN from Section 5A of the Columbia River Inter-Tribal Fish Commission's (CRITFC) Second Supplement to Petition to Intervene.^{16/} In Staff's answer to CRITFC regarding this assertion, we stated that the basis and specificity requirements of 10 C.F.R. § 2.714(b) appear to have been met and accordingly we had no objection to its admission.^{17/} Staff takes the same position regarding YIN's Section 5A. However, if YIN views this section as a contention (as opposed to merely a basis for Contention 5), it must redraft this section in contention form so that it is appropriately limited in scope. Commonwealth Edison Co (Byron Station, Units 1 and 2), LBP-80-30, 12 NRC 683, 687-689 (1980); Philadelphia Electric Co. (Peach Bottom Station, Units 2 and 3); ALAB-216, 8 AEC 20-21 (1974).

B. Discharge Plume And Effects Of Local Currents And Turbulence.

YIN contends in this section that local currents and turbulence have not been adequately assessed to determine their impact on the size and shape of the discharge plume. This same claim was also made by CRITFC in Section 5B^{18/} of its contentions and Staff did not oppose its admission.^{19/} Staff does not now oppose its admission for YIN, subject to

^{16/} Columbia River Inter-Tribal Fish Commission's Second Supplement to Petition to Intervene at 8 (July 16, 1982) (hereinafter cited as CRITFC Contentions).

^{17/} NRC Staff Response to Columbia River Inter-Tribal Fish Commission's Motion For Admission Of Second Supplement To Petition To Intervene, at 11 (August 5, 1982) (hereinafter cited as Staff Response to CRITFC's Contentions).

^{18/} CRITFC Contentions at 8.

^{19/} Staff's Response to CRITFC's Contentions at 11.

its being set out in appropriate form if YIN intends it to be a contention.

C. The Effect Of Heated Water On Steelhead And Salmon Fisheries.

This section asserts that neither the Applicant nor the NRC Staff has adequately assessed the effect of the nuclear project's thermal discharge in the Columbia River fishery. For support, YIN cites generalized literature regarding temperature ranges for Chinook salmon and a report concerning the effects of adverse water temperature on salmon. However, YIN has provided no nexus between the cited literature and the analyses conducted by the Applicant (ASC/ER, Sec. 5.1.3.2.4) and the Staff (DEIS, pp. 4-58 to 4-63). Louisiana Power & Light Co (Waterford Station, Unit 3), CLI-73-7, 6 AEC 48, 49 (1973). In fact, YIN has not alleged anything that has not already been taken into consideration by the Applicant and the Staff since both the ASC/ER and the DEIS acknowledge that the discharge of heated effluent into the Columbia River is an important parameter to assess with respect to potential adverse effects upon both resident and anadromous fish populations. Thus, the problems alleged by the Intervenor have been assessed in detail, yet YIN has provided no basis as to why or how the analysis is inadequate. Consequently, this contention should be rejected.

D. Studies Of Juvenile Salmon Passing Through Plume.

This assertion appears identical to Section 5F of CRITFC's Contention 5.^{20/} For the same reasons we listed in our response to CRITFC, YIN's Contention 5D should also be rejected. These reasons include the fact that YIN has failed to identify why the studies it urges be made would be significant in view of the fact that (1) migrating salmon are known to prefer the opposite side of the river from where the discharge will be located, (2) the fish will actively avoid temperatures which are potentially lethal to them, and (3) the plume will occupy about 0.7 percent of the river cross-section during minimum regulated discharge conditions.^{21/} Thus, there is no adequate basis for the assertion that actual counting of fish will provide better data to determine possible effects.

E. Effect Of Pre-existing Stresses.

Here YIN asserts that certain conditions along the Columbia River (e.g., dams, other thermal project discharges, and predation) will subject the fishery resources to stresses which must be considered in combination with the stresses induced by the Skagit/Hanford project discharge. This section is essentially the same as Section 5G of CRITFC's Contentions^{22/} which Staff previously did not oppose.^{23/} Staff also does

^{20/} CRITFC's Contentions at 13.

^{21/} See Staff's Response to CRITFC Contentions at 13.

^{22/} CRITFC Contentions at 14.

^{23/} Staff Response to CRITFC's Contentions at 13-14.

not oppose YIN including this section as a contention, subject to its being worded in acceptable contention form. See comments concerning YIN Contention 5A, supra.

F. Toxic Effects To Fishery From Discharge Of Metals.

In this section YIN asserts that the project discharge of certain metals (notably cadmium, copper and mercury) will cause chronic or acute toxic conditions which have not been adequately considered. In addition, it asserts that synergistic effects have not been adequately considered.

This section is essentially the same as Section 5H of CRITFC's contentions^{24/} which Staff did not oppose.^{25/} We also do not oppose YIN's assertion of this subject, provided that it is set out in appropriate form.

G. Effects Of Chlorine.

YIN claims here that accidental discharge of chlorine and the synergistic effect of heat and chlorine have not been adequately considered. This assertion is essentially identical to CRITFC's Section 5I^{26/} which Staff previously did not oppose.^{27/} We do not oppose it now, subject to its being set out in appropriate form if YIN intends it to be a contention.

^{24/} CRITFC Contentions at 15.

^{25/} Staff Response to CRITFC Contentions at 14.

^{26/} CRITFC's Contentions at 20.

^{27/} Staff's Response to CRITFC's Contentions at 14.

H. Economic Value Of Columbia River Fishery.

Portions of YIN's assertion in Contention 5H is the same as CRITFC's Section 5J.^{28/} In Staff's response to CRITFC, we stated that:^{29/}

This contention is apparently challenging the lack of consideration of the economic value of the Columbia River fishery and its impact on Indian treaty rights. Staff has interpreted this contention to mean that an economic value of the loss to the fishery caused by operation of S/HNP must be determined to be factored into the cost-benefit analysis in weighing the potential extent of a socioeconomic impact S/HNP may have upon local communities or Indian tribes. Staff has no objection to this contention if our interpretation is correct.

Staff accordingly will not oppose that portion of YIN's Contention 5H which copies CRITFC's Section J. In addition, however, YIN has inserted some additional statements in this Section to include the last paragraph on page 33 and its entire page 34. Staff also has no objections to these new statements provided they are limited in scope to the type of cost-benefit analysis that is referenced in our above quoted response to CRITFC.

I. Effects Of River Sediments.

In this section YIN asserts that the river bottom sediments have not been analyzed for potential contaminants to determine if construction activities might disturb the sediments and have some impact to aquatic

^{28/} CRITFC's Contentions at 21.

^{29/} Staff Response to CRITFC's Contentions at 14.

biota. This section is the same as CRITFC's Section 5K^{30/} which Staff did not oppose.^{31/}

Staff accordingly does not oppose YIN's Section I as a proper area for consideration in this proceeding, provided it is worded in proper form if YIN intends it to be a contention.

J. Water Withdrawal

In this section YIN asserts that diversion of water by the Skagit/Hanford project might reduce the flows in the Columbia River beyond the minimum recommended flows established by the State of Washington Department of Ecology for the protection of anadromous fish. YIN's Contention 5J is the same as CRITFC's Section 5L.^{32/} As we have earlier stated, jurisdiction over the withdrawal of water lies with the State of Washington and not this Board.^{33/} Accordingly, YIN's Contention 5J should not be admitted in this proceeding.

K. Construction Impact Control Program.

In this section YIN asserts that an effective construction impact program cannot be formulated and instituted until the exact migration patterns of salmon and steelhead are known in the Hanford Reach and until the constituents of the river bottom sediments are analyzed. This

^{30/} CRITFC Contentions at 22.

^{31/} Staff's Response to CRITFC's Contentions at 14.

^{32/} CRITFC Contentions at 23.

^{33/} Staff Response to CRITFC's Contentions at 15.

section has been copied from CRITFC's Section 5M.^{34/} Because there is no basis for this contention and for the reasons set out in greater detail in Staff's response to CRITFC, we also oppose YIN's contention.^{35/}

L. Disturbance Of The Treaty Reserved Fishery Because Of Construction Activities

In this section YIN alleges that construction activities at the Skagit/Hanford project will disturb the treaty reserved fishery by causing harmful sedimentation at the river bottom. Staff has no objection to this subject matter being included as a contention in this proceeding provided it is framed in suitable terms.

M. The Effect Of The Project Construction On Terrestrial Ecology And Reserved Hunting And Gathering Rights.

This section lacks specificity by including a potentially very large number of possible contentions and not specifying exactly which matters should be at issue. In addition, the possible contentions in this section appear to lack basis. Philadelphia Electric Co., supra.

An example of the potentially wide range of potential contentions in this section begins at the first sentence where YIN asserts that "neither the applicant or Staff has adequately discussed the effect of project construction at the plant site, water intake and discharge pipeline route, and transmission land corridor on the terrestrial ecology and the impact on the treaty reserved hunting and gathering rights in the area."

^{34/} CRITFC Contentions at 24.

^{35/} Staff's Response to CRITFC's Contentions at 15-16.

However, in the remainder of its argument YIN does not refer to the water intake and discharge pipeline route and transmission line corridors or describes how they will adversely affect terrestrial ecology. Another possible contention in this section that is related to this argument is YIN's assertion that the habitat renewal and the changed character of the land will adversely affect the migrating bird pattern, but YIN affords no basis as to why this will happen.

YIN also asserts as a possible contention that the Applicant does not assure free access to the Hanford Reservation or the S/HNP site area for the exercise of YIN's treaty secured rights. However, YIN does not provide any basis as to how or why treaty related rights would be diminished by a denial of access to the site environs. As it states at page 14 of its Petition, its reservation is some 13 miles from the facility's site. Further, YIN is also referring here to the Hanford Reservation which is not a subject of this proceeding.

Finally, one other possible contention set out in this section is that the Applicant has not adequately addressed the total radiological burden to which the plants and animals of the Hanford Reservation will be subject. However, YIN has not provided a basis for this assertion since the Applicant has addressed this concern (ASC/ER Section 2.8) and YIN has failed to identify any specific deficiencies in the Applicant's explanation.

Because of this lack of specificity and basis in these allegations, Staff opposes their acceptance.

N. Protection Of The Pristine Remnants Of The Area.

In this section YIN asserts that the area involved in the construction of the Skagit/Hanford project is one of "the remaining pristine remnants of a regionally dense settlement system" and it should accordingly be "systematically explored by trained persons rather than by excavating and seeing what is found as suggested by the Applicant."^{36/}

As a basis for this assertion, YIN cites a report by Anthropologist, Morris Uebelacker, which describes various anthropological aspects of the "Middle Columbia Region" suggesting that this area may once have contained a high population density.

Staff does not believe that this article by Mr. Uebelacker is an adequate basis for establishing that the relatively small area encompassed in the Skagit/Hanford site contains important anthropological resources. As pointed out in the DES, the permanent site facility for the Skagit/Hanford project will only be sixty acres (DES, p. 4-67) whereas the area referred to by Mr. Uebelacker includes the entire "Middle Columbia Region." Although the Skagit/Hanford facility may be located within this region, it behooves YIN to furnish reasons why this particular site (as opposed to the entire region) has certain specific features that would indicate that it has significant anthropological aspects.

Furthermore, the Applicant in fact has proposed to conduct an archeological exploration by trained persons in the Skagit/Hanford project area so that YIN's fears would seem to be allayed. ASC/ER Sections 2.6.1.1 and 2.6.1.2.

^{36/} YIN Contentions at 44-45.

Contention 6 Applicant Has Failed To Adequately Address The Potential Contamination Of Salmon, Steelhead, Eels And Other Natural Foods In The Columbia River From The Operation Of The Project As Regards Members Of YIN Who Consume Large Quantities Of These Foods.

Staff does not oppose the admission of this contention since it appears to be adequate with respect to specificity and basis. In this regard, YIN has listed a number of bases for this contention which have already been accepted by the Licensing Board in the contentions of other intervenors. For example, YIN alleges that Applicant has underestimated the existing radiological burden by failing to take into account many studies that have been done in the Hanford area regarding radiation levels in aquatic and terrestrial sources. This assertion is the same as that made by the Coalition for Safe Power (CSP) in its Revised Contention 14^{37/} which the Licensing Board has found to be acceptable.^{38/}

As a basis for this contention YIN also asserts that the health effects of ionizing radiation, whether somatic or genetic, are cumulative and therefore existing radiological burdens must be considered. This same basis was claimed by CSP as part of its Revised Contention 30^{39/} which also has been accepted by the Licensing Board.^{40/} However, as with other contentions made by two or more parties, they should be consolidated. See pp. 2-3, supra.

^{37/} Revised Contentions of Coalition For Safe Power - May 24, 1982 at Contention 14 (hereinafter cited as CSP Contentions).

^{38/} July 6, 1982 Board Order at 5.

^{39/} CSP Contentions at Revised Contention 30.

^{40/} July 6, 1982 Board Order at 7.

Contention 7 The Commission Should Not Issue Any Construction Permit Facility License For SKAGIT/HANFORD Pending Completion Of The Waste-Disposal Confidence Proceeding.

This contention should be rejected since the Commission has specifically advised that licensing practices need not be changed during its "Waste Confidence" rulemaking. 44 Fed. Reg. 45362 (1979).

Furthermore, this contention is basically the same as NWF/OEC's Contention 5^{41/} which the Licensing Board has already rejected.^{42/}

Contention 8 No Provision Is Made For Access For Enjoyment Of Treaty Reserved Rights By YIN Or Its Members.

In this contention YIN asserts that the Applicant has not provided for access to the Hanford Reservation for the exercise of treaty related rights of YIN within the Hanford Reservation and the Skagit/Hanford site area.

This contention should be rejected for its lack of basis and specificity. In the first place, access to the entire Hanford reservation is not an issue in this proceeding -- this licensing proceeding is only concerned with those limitations of access which might be denied by the construction and operation of the Skagit/Hanford nuclear facility. However, with respect to access to the Skagit/Hanford site, YIN has failed to provide a basis to demonstrate in what manner the right of access now exercised would be denied or how denial to such a relatively small area would adversely affect it.

^{41/} NWF/OEC Contentions at 7.

^{42/} July 6, 1982 Board Order at 3.

Contention 9 S/HNP Limits Use Of Yakima Indian Reservation By YIN And Its Members As A Permanent Homeland.

YIN's basis for this contention is that the Yakima Indian Reservation will be a less desirable place to live because of fear and apprehension caused by the Skagit/Hanford nuclear facility. This contention must be dismissed since it has been determined by the Commission that concerns involving psychological stress are not ordinarily proper subject matters for NRC licensing proceedings. "Consideration of Psychological Stress Issues; Policy Statement" 47 Fed. Reg. 31762 (July 16, 1982). See also, Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 & 2, Slip Opinion at 1 (July 19, 1982); Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), CLI-80-39, 12 NRC 607 (1980), CLI-81-20, 14 NRC 593 (1981); People Against Nuclear Energy v. NRC, No. 81-1131 (D.C. Cir. May 14, 1982), cert. pending No. 81-2399. In its Policy Statement regarding psychological stress the Commission has taken the position that before this subject matter can be considered, a traumatic event must already have occurred at the site in question. No such event is alleged here and accordingly a contention based upon psychological stress will not lie.

One other possible contention in this Section is YIN's complaint that the \$560 million liability limit to the Price Anderson Act might not be adequate to recompense YIN for its total losses in the event of a nuclear disaster. This assertion constitutes a challenge to a federal statute which is not within this Licensing Board's jurisdiction to resolve. Cf. 10 C.F.R. § 2.758.

Contention 10 Sovereignty of YIN And Trust Responsibility Of United States Of America And The Unique Relationship Between The Two Governments Requires That YIN Be Permitted To Raise And The NRC Should Assist In The Examination Of Any Matter That Might Affect YIN Regardless Of Whether It Is Contended By YIN Or Not.

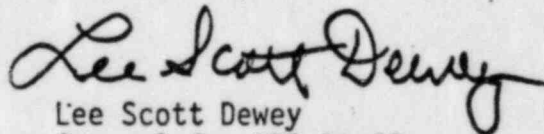
This contention asserts, in essence, that the NRC, as an agency of the federal government, is obligated to use its resources and authorities to the fullest extent possible to protect the treaty reserved rights of YIN. As stated, this assertion does not involve a factual matter which is a dispute and, hence, it is not a litigable issue. This contention accordingly is not acceptable.

III. CONCLUSION

As discussed above, Staff supports the admission of YIN Contentions 1, 2, 3 and 6. Staff believes that all other contentions must be rejected for the reasons stated above. With respect to YIN's assertions in Sections 5A, 5B, 5E, 5F, 5I, 5J, and 5L, if YIN views these assertions as contentions, it should be allowed to redraft them so as to conform with appropriate contention form.

Further, pursuant to 10 C.F.R. § 2.715(a) and the Commission's Statement of Policy on Conduct of NRC Proceedings, supra, YIN's contentions should be consolidated with contentions of other Intervenors which are similar in nature.

Respectfully submitted,


Lee Scott Dewey
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 20th day of October, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

PUGET SOUND POWER & LIGHT
COMPANY, ET AL.)

(Skagit/Hanford Nuclear Power
Project, Units 1 and 2))

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO CONTENTIONS OF YAKIMA INDIAN NATIONS AS SET FORTH IN ITS SUPPLEMENT TO PETITION TO INTERVENE" 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 20th day of October, 1982:

John F. Wolf, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing
Board Panel
3409 Sheperd Street
Chevy Chase, MD 20015

Kevin M. Ryan, Esq.
Assistant Attorney General
Temple of Justice
Olympia, WA 98504

Frank W. Ostrander, Jr., Esq.
Oregon Assistant Attorney General
500 Pacific Building
520 S.W. Yamhill
Portland, OR 97204

Mr. Gustave A. Linenberger*
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Warren Hastings, Esq.
Associate Corporate Counsel
Portland General Electric Company
121 S.W. Salmon Street
Portland, OR 97204

Dr. Frank F. Hooper
Administrative Judge
Atomic Safety and Licensing
Board Panel
School of Natural Resources
University of Michigan
Ann Arbor, MI 48190

Mr. Lloyd K. Marbet
c/o Forelaws on Board
19142 S. Bakers Ferry Road
Boring, OR 97009

David G. Powell, Esq.
Lowenstein, Newman, Reis, Axelrad
& Toll
1025 Connecticut Avenue, N.W.
Suite 1214
Washington, D.C. 20036

Mr. Nicholas D. Lewis, Chairman
Washington State Energy Facility
Site Evaluation Council
4224 6th Avenue, S.E.
Mail Stop PY-11
Olympia, WA 98504

F. Theodore Thomsen, Esq.
Perkins, Coie, Stone, Olsen
& Williams
1900 Washington Building
Seattle, WA 98101

Atomic Safety and Licensing
Board Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing
Appeal Board*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

S. Timothy Wapato
Columbia River Inter-Tribal
Fish Commission
8383 N.E. Sandy Blvd., Suite 320
Portland, Oregon 97220

Mr. Robert C. Lothrop
Attorney for Columbia River
Inter-Tribal Fish Commission
Suite 320
8383 N.E. Sandy Blvd.
Portland, OR 97220

Coalition for Safe Power
Suite 527, Governor Building
408 Southwest Second Avenue
Portland, Oregon 97204

James W. Durham, Esq.
Portland General Electric Company
121 S.W. Salmon Street, TB17
Portland, OR 97204

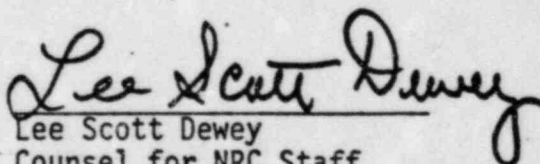
Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard D. Bach, Esq.
Rives, Bonyhadi & Drummond
1400 Public Service Building
920 S.W. 6th Avenue
Portland, OR 97204

Ralph C. Cavanagh
Attorney for the Natural Resources
Defense Council, Inc.
25 Kearny Street
San Francisco, CA 94108

Terence L. Thatcher
Pacific Northwest Resources
Center
Law Center, 1101 Kincaid
Eugene, OR 97403

James B. Hovis, Esq.
Yakima Indian Nation
c/o Hovis, Cockrill & Roy
316 North Third Street
P.O. Box 487
Yakima, WA 98907


Lee Scott Dewey
Counsel for NRC Staff