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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE NUCLEAR REGULATORY COMMISSION

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

NOTICE OF APPEAL AND EXCEPTIONS TO
MEMORANDUM AND ORDER OF
ATOMIC SAFETY AND LICENSING BOARD
DATED JANUARY 18, 1983

Comes now the Confederated Tribes and Bands of the Yakima Indian Nation (YIN) and pursuant to 10 CFR part 2.762, does appeal to the Nuclear Regulatory Commission from the Memorandum and Order of the Atomic Safety and Licensing Board dated January 18, 1983, as follows:

1. Error of Law. Said Memorandum and Order fails to recognize YIN's sovereignty and its members' reserved treaty rights under Treaty with the Yakimas (12 Stat. 951) which under the United States Constitution is the supreme law of the land.

2. Portions of Memorandum and Order to Which Exception is taken under the aforesaid error in law.

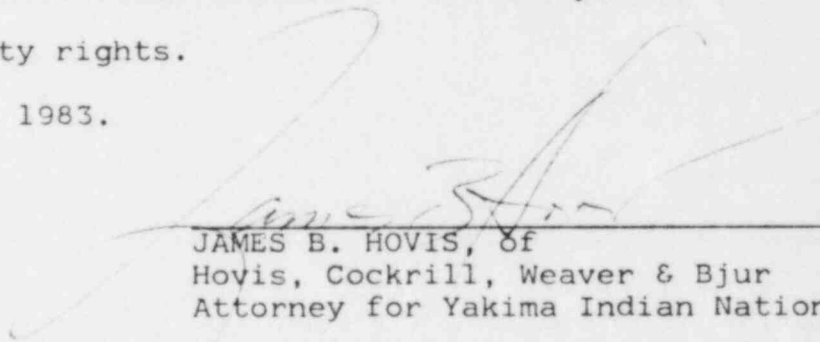
a. Contention 11, page 6 of the Order in that it removes from consideration environmental impacts on YIN's reserved treaty rights.

b. YIN's Contention 8, at page 9 of the Order in that it fails to deal with the treaty reserved rights of YIN members to access to site area.

c. YIN's Contention 9, at page 9 of the Order in that it does not consider the effect of Skagit/Hanford regarding use and enjoyment of the reserved homeland of the YIN in the Yakima Indian Reservation.

d. YIN's Contention 10, at pages 9-10 of the Order, in that it fails to recognize the trust responsibility of the United States to YIN and the governmental status of YIN and to require consideration of YIN's impaired or abrogated treaty rights.

DATED: January 26, 1983.



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

AFFIDAVIT OF SERVICE BY MAIL

STATE OF WASHINGTON)
) ss:
County of Yakima)

Lillian J. Schillberg, being first duly sworn on oath,
deposes and says:

That she is a citizen of the United States of America and of the State of Washington, living and residing in Yakima County in said state, of legal age, not a party to the above-entitled action, and competent to be a witness herein. That on the 26th day of January, 1983, she deposited in the United States mail a properly stamped and addressed envelope directed to each of the parties on the attached service list, said envelopes containing true copies of NOTICE OF APPEAL AND EXCEPTIONS TO MEMORANDUM AND ORDER OF ATOMIC SAFETY AND LICENSING BOARD DATED JANUARY 18, 1983 submitted by the Confederated Tribes and Bands of the Yakima Indian Nation by and through their attorney, James B. Hovis.

Lillian J. Schillberg

SUBSCRIBED AND SWORN TO before me this 26th day of
January, 1983.

Carla Kummick
Notary Public in and for the State
of Washington, residing at Yakima.

COMMISSION

Secretary of the Commission
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