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July 27, 1975

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Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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In the Matter of  
Washington Public Power Supply System  
(WPPSS Nuclear Project Nos. 1 and 4)  
Docket Nos. 50-650 and 50-613

Gentlemen:

On July 9, 1975, Applicant's Counsel requested the Board to receive additional evidence in the form of affidavits to supplement the Initial Decision. (DCI-75/18, 902) relating to the Applicant's financial qualifications to design and construct WPP-4. Alternatively, Applicant's Counsel suggested that if a hearing is required on this one remaining matter it should be held in the Washington, D.C. area. We join in the Applicant's request that the record be supplemented by affidavits, followed by submission of proposed findings of fact and conclusions of law by the parties, and by a final Board decision authorizing the issuance of a construction permit for WPP-4.

By way of background, on October 8, 1975, Applicant informed the NRC Staff of a delay in the signing of participation agreements (contracts to purchase a certain percentage of the capability of the facility) with the participants for WPP-4. (Applicant's Exhibit 17). The signed agreements are necessary to the finding of reasonable assurance that Applicant is financially qualified, pursuant to the requirements of 10 CFR 50.35(f), to design and construct WPP-4. The delay in signing agreements for WPP-4 resulted from the decision to complete the environmental analysis required by State law (Washington State Environmental Policy Act ("SEPA"), R.C.M. 642.210) prior to execution of the participants agreements.

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The record demonstrates that the NRC Staff had reasonable assurance that the Applicant was financially qualified to construct WDP-1 if the Applicant subsequently obtained the necessary participation agreements for the purchase of 100% of the capability of WDP-4. (Linet, Tr., following 740, Tr. 641). This type of condition subsists to the NRC Staff's finding has apparently been met, and the Applicant is prepared to proceed. The NRC Staff has no new information that would cause it to change its previous finding with respect to reasonable assurance of Applicant's financial qualifications.

The Board's Initial Decision stated that it would receive additional evidence and supplement the Initial Decision at a suitable time with respect to Applicant's financial qualifications pertaining to WDP-4 (NRCI-75/12, 927-928). Submission of further evidence by affidavits to complete the record will comply with Section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2209), and applicable regulatory requirements, i.e., 10 CFR Sections 2.719(a)-2.737; 10 CFR Part 2, Appendix A, V(p)(1). The cited regulations give the Board the requisite discretion to receive additional evidence by affidavits.

I have talked with Applicant's Counsel who concurs in the following suggested schedule:

August 6, 1975	Parties submit testimony by affidavits to the Board
August 20, 1975	Parties submit responses to any Board questions
August 27, 1975	Parties submit Proposed Findings of Fact and Conclusions of Law

Sincerely,

Edward G. Ketchen  
Counsel for NRC Staff

cc:  
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