

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY
AND LICENSING BOARD

II
Young Wagner
Gray

In the Matter of)
)
WASHINGTON PUBLIC POWER)
SUPPLY SYSTEM) Docket No. 50-460 CPA
)
(WPPSS Nuclear Project No. 1))

LICENSEE'S ADDITIONAL RESPONSE TO
INTERVENOR'S SECOND SET OF INTERROGATORIES

On June 9, 1983, intervenor served the Washington Public Power Supply System ("Licensee") with a second set of inter-rogatories. Licensee objected to interrogatories 19, 21, 22, 25, 27, 28, 31-35, 38, 42-45 and 47.

Intervenor subsequently moved to compel responses to interrogatories 25, 27, 28, 31, 32, 35, 38 and 42 and to compel a more complete response to interrogatories 26 and 50. On August 15, 1983, the Licensing Board issued a Memorandum and Order granting the motion to compel answers to interrogatories 25, 27, and 28 and to compel a more complete response to interrogatory 26. Applicant hereby provides its responses in accordance with the August 15, 1983 Memorandum and Order.

INTERROGATORY 25: Explain the difference, if any, between deferral, mothball and preservation.

Response: The Licensee does not as a matter of official policy distinguish between deferral, mothball and preservation. However, as a matter of common usage, "deferral" means postponed, "mothballed" means protected against the elements and other environmental conditions, and "preservation" means protecting against any peril or alteration.

INTERROGATORY 26: To what events is the restart of construction on WNP-1 tied. Explain fully your answer.

Response: The restart of construction on WNP-1 is tied to the ability of Licensee to finance construction of WNP-1. As soon as an acceptable means of financing becomes available, construction of WNP-1 will be resumed. A decision as to whether such financing is available will be made by the Licensee based on sound business practice.

INTERROGATORY 27: What would be the effect of default on WNP-4 and 5 on the restart and completion of WNP-1. Provide all probability analyses, scenarios and time predictions.

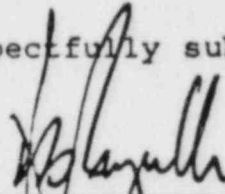
Response: At the present time it is impossible to predict, and Licensee has not evaluated, what would be the exact effect of default on WNP-4 and 5 on the restart and completion of WNP-1. Licensee has not prepared any

analyses, scenarios and time predictions assessing the effects of default on WNP-4 and 5 on the restart and completion of WNP-1.

INTERROGATORY 28: What is the effect of deferral of construction on WNP-3 on the restart and completion of WNP-1? Give the basis of your response.

Response: The Licensee has not evaluated and therefore does not know what the effect of deferral of construction on WNP-3 would have on the restart and completion of WNP-1.

Respectfully submitted,



Nicholas S. Reynolds
Sanford L. Hartman
DEBEVOISE & LIBERMAN
1200 Seventeenth St., N. W.
Washington, D. C. 20036
(202) 857-9817

Counsel for Licensee

September 6, 1983

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

A. G. Hosler, being duly sworn, disposes and says:

That he is Project Licensing Manager, WNP-1, for the Washington
Public Power Supply System, and knows the contents of the foregoing
Licensee's Additional Response to Intervenor's Second Set of Inter-
rogatories; that the same is true of his own knowledge except
as to matters therein stated on information belief, and as
to that, he believes them to be true.

A. G. Hosler

Sworn to and subscribed before me
on this 6th day of October, 1983.

J. R. Martin
Notary Public

Richland, WA 49352

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER) Docket No. 50-460-CPA
SUPPLY SYSTEM)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Licensee's Additional Response to Intervenor's Second Set of Interrogatories" in the captioned matter were served upon the following persons by deposit in the United States mail, first class, postage prepaid, this 6th day of September, 1983:

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

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

Dr. Jerry Harbour
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
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Chairman, Atomic Safety and
Licensing Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mitzi A. Young, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

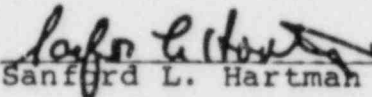
Chairman, Atomic Safety and
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U.S. Nuclear Regulatory
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Mr. Gerald C. Sorensen
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Energy Facility Site
Evaluation Council
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Mr. Eugene Rosolie
Coalition for Safe Power
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Portland, Oregon 97204


Sanford L. Hartman

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

WASHINGTON PUBLIC POWER SUPPLY SYSTEM)
et. al.)

(WPPSS Nuclear Project No. 1))

) Docket No. 50-460CPA

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II
Wagner Young
Gray

INTERVENOR'S UPDATE RESPONSE TO LICENSEE'S SECOND SET OF INTERROGATORIES AND REQUEST TO PRODUCE, AUGUST 12, 1983

Interrogatory 7

State what you believe are the functions of Bonneville Power Administration (BPA).

Response

Intervenor believes the functions of BPA is to distribute electrical energy in the Pacific Northwest and duties as contained in the Pacific Northwest Electric Power Planning and Conservation Act, enacted December 5, 1980.

Interrogatory 8

State what you believe are the functions of Licensee.

Response

Intervenor believes that Licensee's function is to construct, finance and operate electrical generating facilities.

Interrogatory 9

Provide the bases for your response to Interrogatories 7 and 8.

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Response

1. Pacific Northwest Electric Power Planning & Conservation Act, A Summary, Bonneville Power Administration (BPA), undated.

2. Pacific Northwest Electric Power Planning & Conservation Act of 1980, 16 U.S.C. sec.839.

3. Net Billing Agreement, November 16, 1972.

4. WPPSS Inquiry, Washington State Senate Energy & Utilities Committee, January 12, 1981.

Interrogatory_24

Identify all documents in your possession obtained from BPA concerning the delay of WNP-1 and state when and from whom you obtained each of these documents.

Response

1. Analysis of Alternatives Related to WNP-3, May 26, 1983, BPA.

2. Analysis of Resource Alternatives: Summary and Conclusions, May 26, 1983, BPA.

Intervenor continues to object to the other part of this interrogatory.

Interrogatory_25

Identify all documents in your possession obtained from any source other than BPA concerning the delay of WNP-1 and state when and from whom you obtained each of these documents.

Response

Intervenor has already identified all documents in its possession in various filings in this proceeding. Except for the documents referred to interrogatory 24 all other documents have been obtained from other than the BPA.

Intervenor also now has in its possession documents received from Licensee after requesting copies of certain

documents Licensee made available in response to Intervenor interrogatories. Intervenor assumes that Licensee knows what those documents are so sees no need to list those documents at this time. However if Licensee does not have that list Intervenor will supply a list upon request.

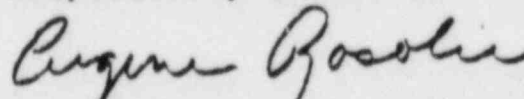
Intervenor also has in its possession the following documents:

1. Informal Opening Remarks, Peter T. Johnson, Bonneville Power Administrator, Before the Subcommittee on Mining, Forest Management and Bonneville Power Administration of the House Committee on Interior and Insular Affairs, Portland, Oregon, June 10, 1983.

2. Northwest Power Planning Council, Statement Before the Subcommittee on Mining, Forest Management, and the Bonneville Power Administration of the Committee on Interior and Insular Affairs, June 10, 1983.

3. Letter with Attachment from D.W. Mazur, Managing Director, WPPSS, to Honorable Jim Weaver, Chairman, Subcommittee on Mining, Forest Management, and Bonneville Power Administration, dated June 8, 1983.

Respectfully submitted


Eugene Rosolie, Director
Coalition For Safe Power

September 27, 1983.

STATE OF OREGON)
) ss.
County of Multnomah)

I, Eugene Rosolie, having first been duly sworn, do
depose and say as follows:

1. That I represent the Coalition for Safe Power in the
Matter of WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WNP-1),
Docket 50-460CPA; and

2. That the responses to "LICENSEE'S SECOND SET OF
INTERROGATORIES AND REQUEST TO PROVIDE TO INTERVENOR, DATED
AUGUST 12, 1983," and those responses contained in
"INTERVENOR'S UPDATE RESPONSE TO LICENSEE'S SECOND SET OF
INTERROGATORIES AND REQUEST TO PRODUCE," were prepared
under my direction and are true and correct to the best of
my knowledge except as to matters therein stated on
information and belief, and as to that I believe them to be
true.

Signed:

Eugene Rosolie

Eugene Rosolie

SUBSCRIBED AND SWORN TO before me this 28th day of
September, 1983.

Alonia Furr

Notary Public for Oregon
My Commission Expires 9/22/84

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "INTERVENOR'S RESPONSE TO LICENSEE MOTION TO COMPEL," and "INTERVENOR'S UPDATED RESPONSE TO LICENSEE'S SECOND SET OF INTERROGATORIES AND REQUEST TO PRODUCE, AUGUST 12, 1983," in the above captioned matter have been served on the following by deposit in the U.S. Mail, first class, postage prepaid on this 27TH day of September, 1983:

Herbert Grossman, Chairman
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

Nicholas Reynolds
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Washington D.C. 20036

Glen O. Bright
Administrative Judge
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

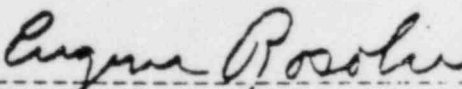
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Board Panel
Nuclear Regulatory Commission
Washington D.C. 20555

Docketing & Service
Nuclear Regulatory Commission
Washington D.C. 20555



Eugene Rosolie
Coalition for Safe Power

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OL

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour

II
Wagner / Young
Gray/FF

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

Docket No. 50-460-OL
(ASLBP No. 82-479-06 OL)
October 14, 1983

MEMORANDUM AND ORDER
(Admitting Intervenor, Ruling on Contentions,
and Establishing a Further Schedule)

MEMORANDUM

On June 23, 1983, this Board issued a Memorandum determining that Petitioner, the Coalition for Safe Power (CSP), had met the interest requirements of 10 C.F.R. § 2.714. We did not rule on contentions and, since we did not determine that Petitioner had raised at least one litigable contention, we could not rule on granting the petition to intervene. On that same date, we granted the motion of the State of Washington to participate as an interested state and gave it until July 12,

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1983 to respond to Petitioner's contentions. The State of Washington did not avail itself of the opportunity.

We now rule on contentions. Since we admit several of these contentions, we admit the Petitioner as an Intervenor in this proceeding. For reasons discussed below, we also are suspending discovery.

I. RULING ON CONTENTIONS

Contention 1

Contention 1 states as follows:

Petitioner contends that there is no reasonable assurance that WNP-1 will be substantially completed, in a timely fashion as required by 10 CFR Part 2, Appendix A, Section VIII (b)(1) and 10 CFR 50.55(b)&(d) which provided that an application for an Operating License will be filed "at or about the time of completion of the construction ... of the facility" and that a license may be issued when there is "reasonable assurance that the construction of the facility will be substantially completed, on a timely basis."

This contention questions whether the application for an operating license is ripe rather than raises a substantive issue to be litigated. It is, perhaps, an argument for the Board's not entertaining the operating license application at this time, but not a matter to be litigated in this proceeding. To the extent that it raises the issue of whether whether the facility is being completed on a timely basis, that issue

can only properly be raised in the context of Applicant's application for an extension of its construction permit completion date. A Licensing Board has been convened and a proceeding is in progress with regard to that proposed construction permit extension in which CSP is also an Intervenor.

The contention is denied.

Contention 2

Contention 2 states as follows:

Petitioner contends that Applicant has neither adequately nor correctly assessed the somatic, teratogenic and genetic effects of ionizing radiation which will be released by WNP-1 during normal, transient and accident conditions and thus underestimates the human cost of the project in the cost-benefit analysis required by 10 CFR 51.21, 51.20(b)&(c) and 51.23(c).

The contention itself would be too broad to litigate. However, Petitioner has supplied approximately four pages of specifics with regard to Applicant's alleged underestimation of the human cost of the nuclear project. Supplement to Request for Hearing at 3-6. We would limit any litigation on this contention to the matters specified in the basis.

Staff opposes this contention because, while it questions the cost-benefit balance, it does not allege that the errors would tilt the cost-benefit balance against issuance of the operating license. We see little merit in Staff's objection. Given that Petitioner questions the cost-benefit analysis in the context of opposing the issuance of the operating license, we see it as implicit in the contention that Petitioner is alleging that a proper assessment of the cost would result in an unfavorable balance. See discussion at Tr. 129-132. There is no need to rewrite the contention to take cognizance of that allegation.

Applicant raises certain objections that have little relevance to the contention. Applicant challenges as impermissible any attack by Petitioner on the standards established by the Commission in Appendix I to 10 C.F.R. Part 50 or applicable regulations. We agree. However, the contention does not question the values adopted by the Commission in Appendix I. It questions only the health effects of radiological releases from the facility -- an area not proscribed by Commission regulation.

Applicant also objects (Tr. 138) to Petitioner's assertion that Applicant has misstated the total and cumulative impact required for multi-reactor sites, on the ground that the regulations do not require combining the doses from multiple plants on the site. Applicant is correct with regard to Part 50 dose limitations unless Applicant has elected not to comply with the requirements of ¶ D of Appendix I, § II. See

second paragraph of Appendix I, § II.D. If Applicant has not so elected, only the more liberal limitations of 10 C.F.R. § 100.11, rather than those of Part 50, need be met by combined doses from multi-reactors.

Finally, the Licensing Board will not entertain any matters covered in the basis to the contention that were published prior to the issuance of the notice for opportunity for hearing on the construction permit or were actually considered at the construction permit hearing.

Limited to the matters specified in the basis for the contention and by our discussion of the contention, the contention is admitted.

Contention 3

Contention 3 states as follows:

Petitioner contends that Applicant should be required to conduct an evaluation of and provide protection from the potential problems posed by Electro-magnetic Pulse (EMP) to meet the requirements of 10 CFR 50.40(c). Licensing WNP-1 without protection from EMP unreasonably jeopardizes the common defense and safety by 1) impairing defense responses which might release EMP over the State of Washington and thereby cause a major release of radiation from WNP-1 and 2) acting as a potentially large source of lethal radioactivity which might be released by means of an EMP trigger which could be activated by any power, friend or foe, able to deliver a nuclear device over the U.S., 3) placing the U.S. population hostage to threats of EMP attack against WNP-1 and 4) placing the people of Washington State at risk of major peacetime loss for which no compensation can be expected.

As Petitioner recognizes (Supplement to Request for Hearing at 6; Tr. 140-141), 10 C.F.R. § 50.13 provides, inter alia, that an Applicant is not required to provide design features for protection against the effects of "attacks and destructive acts *** directed against the facility by an enemy of the United States." This regulation has been held by other Licensing Boards to preclude the admission of similar contention involving electromagnetic pulse (EMP): Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Unit 1 and 2), LBP-81-42, 14 NRC 842, 843-845 (1981); Duke Power Company (Catawba Nuclear Station, Units 1 and 2), LBP-82-16, 15 NRC 566, 587-8 (1982); Consumers Power Co. (Midland Plant, Units 1 and 2), LBP-82-28, 15 NRC 759 (1982), aff'd on other grounds, ALAB-674, 15 NRC 1101 (1982).

Here, however, Petitioner provides scenarios under which a thermonuclear device is detonated over the United States thereby creating EMP that adversely affects the facility, by accident, by friendly forces, or by the United States as a defense measure.

We view these scenarios as cosmetic devices to circumvent the prohibition of § 50.13 against hearing the subject matter of this contention, and too speculative to achieve that result. We agree with the Board in Perry, supra, that the nature of the act itself of detonating a thermonuclear device over the facility with an adverse impact on the facility constitutes a priori, a destructive act directed against the facility by an enemy of the United States.

The contention is denied.

Contention 4

Contention 4 starts as follows:

Petitioner contends that Applicant has not provided sufficient information to show that WNP-1 can operate without hazard to the public health and safety in the event of an ash eruption of the Mount St. Helens, or other active, volcano as required by Appendix A of Part 50, 10 CFR.

Applicant objects to the contention on the grounds that it ignores the discussions of potential ashfall in the WNP-1 FSAR and overlooks Applicant's commitment to assure compliance with Part 50, Appendix A. Applicant's Opposition to Supplement to Request for Hearing at 28-30; Tr. 146-152. As Applicant indicates, however, the thrust of the FSAR discussion is that Applicant has not yet complied with the regulatory requirements with regard to ashfall but merely commits itself to do so before the issuance of the operating license. Where Applicant has a present regulatory requirement, albeit one that it has committed to satisfy, Petitioner has every right to raise as a contention the failure to currently satisfy the requirement. The contention, involving only the ash eruption from Mount St. Helens, is narrow enough to satisfy the specificity requirements.

This situation is unlike that passed on by the Commission in Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 NRC _____ (June 30, 1983), involving contentions which lack specificity because the information to be relied upon would be in future licensing related documents, to be submitted on Commission-established schedules. Here, Applicant has a current obligation to demonstrate in the FSAR that it can operate WNP-1 without hazard to the public health and safety in the event of an ash eruption of Mount St. Helens, and Petitioner's contention does not lack specificity.

The contention is admitted.

Contention 5

As originally submitted in Petitioner's Supplement to Petition for Hearing (at 10), Contention 5 read as follows:

Petitioner contends that Applicant will not, and, in fact, does not have the ability to, implement a QA/QC program which will function as required by 10 CFR Part 50 Appendix A, GDC 1, 10 CFR 50.40 and Section VIII(2)&(3) of Appendix A to Part 2 to assure public health and safety. Moreover, Applicant has repeatedly violated 10 CFR 50.55(e)(2)(i) in not reporting the numerous breakdowns in its QA/QC program.

In order to accommodate certain objections by Staff and Applicant (see Tr. 164, 170-171), Petitioner reworded the contention (Tr. 279) to

read: "Petitioner contends that Applicant will not adequately implement a QA/QC program at the operating-license stage."

The purpose of the change was to clarify the thrust of the contention as being directed toward the operating QA/QC, rather than the construction QA/QC. Notwithstanding the rewording of the contention, Staff and Applicant continued to oppose its admission, primarily on the grounds that it lacked specificity and basis, and for raising matters which are not within the scope of this operating license proceeding. Applicant's Response at 30-32; Staff Response at 10-11; Tr. 170-171, 279-280. The matters raised in Petitioner's basis relate to defective construction practices with regard to WNP-1 and WNP-2. Applicant and Staff insist that the problems encountered with regard to WNP-2 are unrelated to WNP-1, and that, in any event, whatever transpires during construction is unrelated to any quality assurance program implemented for plant operation.

We do not agree. In Duquesne Light Co. (Beaver Valley Power Station, Unit 2), ALAB-240, 8 AEC 829 (1974), relied upon by Petitioner, the Appeal Board reviewed an initial decision in which it found that the Licensing Board had inadequately considered the quality assurance program at the Applicant's nuclear unit 2 in light of quality assurance problems encountered at unit 1. The Appeal Board stated (at 833):

Certainly, the applicant's and architect-engineer's actual performance at an ongoing construction program is a factor which must be taken into account in evaluating the likelihood that the established QA program for another project will be implemented. [Footnote omitted.]

Nor did the Appeal Board limit its concern with the quality assurance programs during construction of one unit only to the construction of another unit, but acknowledged the implication that faulty quality assurance at construction might carry over to plant operation, as follows (at 840):

What we have said here involves construction activity. It goes without saying, however, that the same concerns are applicable at the operating license stage. It is equally important that the applicant be committed to, and that properly qualified people be available to carry out adequately, the operational quality assurance program.

In addition to the quality assurance problems discussed in the basis for Contention 5, Petitioner also discussed quality assurance problems in the basis for Contention 20. Petitioner has requested that the Board consider both bases for each of these contentions. Tr. 268-9. Whether or not the basis for Contention 20 is included, we accept the examples given in the basis for Contention 5, even to the extent that they relate to the construction of WNP-2, as being sufficient to support the questions raised by Petitioner concerning the implementation of the quality assurance program for the operation of the plant.

Contention 5, as restated, is admitted.

Contention 6

Contention 6 states as follows:

Petitioner contends that Applicant has not demonstrated the ability to remove decay heat from WNP-1 using natural circulation in the event of an accident and thus violates GDC 34 & 35 of 10 CFR 50 Appendix A.

In its written response to Petitioner's Supplement to Request for Hearing, Staff did not object to the admission of Contention 6 provided that the scope of the contention were limited to the issues stated in the basis supporting the contention. Staff Response at 11. At the pre-hearing conference, however, Staff conceded that the contention is narrowly worded. Tr. 173. The Board agrees that it is narrowly worded and would not further limit its scope.

Staff had approved the admission of this contention on the basis of the Appeal Board's consideration of this issue in Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), ALAB-708, 16 NRC 1770 (1982), but offered that the resolution of these issues in the eyes of the Appeal Board and the NRC Staff would moot Petitioner's concern. Id. at 12. Although the Appeal Board has now spoken on this issue in ALAB-729, issued on May 26, 1983 (slip op. at 21-88), 17 NRC _____, _____, the

decision has not yet been reviewed by the Commission. To the extent that the final disposition of that proceeding is on a generic basis, this contention can be resolved by appropriate motions for summary disposition.

Similarly, Applicant's objections (Applicant Response at 33-34; Tr. 172-3), that the FSAR demonstrates that the allegations in the contention are in error, are arguments on the merits that are appropriate for summary disposition, rather than for the pleading stage. We also do not agree with Applicant (Applicant's Response at 32-33) that Petitioner has not stated a sufficient basis for the contention.

The contention is admitted.

Contention 7

Contention 7 states as follows:

Petitioner contends that the improvements proposed by the Applicant to the Power Operated Relief Valve and Safety & Relief Valves will not meet the requirements of NUREG-0737 and 10 CFR Part 50 Appendix A, GDC 14 and the defense-in-depth principle of the Commission.

In the basis stated for its contention (Petitioner's Supplement to Request for Hearing at 14-15), Petitioner failed to list any particulars in which the PORV failed to meet the requirements of NUREG-0737 and GDC

14. Although offered a further opportunity to state these particulars at the prehearing conference, Petitioner was unable to do so. Tr. 177-183.

The contention does not meet the specificity requirements of 10 C.F.R. § 2.714(b) and is denied.

Contention 8

Contention 8 states as follows:

Petitioner contends that methods proposed by Applicant to meet instrumentation for detection of inadequate core cooling, NUREG-0737, are inadequate.

Petitioner withdrew Contention 8 at the prehearing conference. Tr. 183-184.

Contention 9

Contention 9 states as follows:

Petitioner contends that there are systems, equipment and components classified as non-safety related that were shown in the accident at TMI-2 to have a safety function or an adverse effect on safety and that such systems should be required to meet safety-grade criteria. Moreover, Applicant should be required to perform an analysis to identify all such systems, equipment and components.

With regard to the first sentence in the contention, Petitioner has not particularized any systems, equipment or components that it asserts are classified as non-safety related but should be required to meet safety grade criteria. Therefore, that portion of the contention lacks the required specificity.

With regard to the second sentence of the contention, requiring Applicant to perform an analysis to identify all systems, equipment and components that have a safety function, there appears to be an established process by which those items are categorized as being required to meet safety grade criteria. Tr. 185-8. Petitioner has failed to identify any deficiencies in the process or any example of a mischaracterization of any item. Consequently, the second sentence of the contention fails to meet the specificity requirements of the regulations.

The contention is denied.

Contention 10

Contention 10 states as follows:

Petitioner contends that the B&W Once Through Steam Generator (OTSG) design used for WNP-1 is overly sensitive to secondary side perturbations and has not been adequately analyzed as required by 10 CFR 50 Appendix A.

Staff does not oppose the admission of the contention provided that the scope is limited to the issues stated in the basis to the contention. The basis gives a number of specifics with regard to the alleged over-sensitivity of that particular steam generator design. We would allow Petitioner to litigate all of the specifics mentioned in its basis. However, given what we view as a fairly narrow area of controversy, i.e., the alleged over-sensitivity of the steam generator, we do not see any utility to restricting further the scope of what is already limited by the wording of the contention itself.

Applicant's objection (Applicant's Response at 39-40) is a factual rebuttal, more appropriate to disposition at some later stage in the proceeding than an objection to admissibility.

The contention is admitted.

Contention 11

Contention 11 states as follows:

Petitioner contends that the Applicant has not shown that safety-related (electrical and mechanical) equipment and components are environmentally qualified to a degree that would provide adequate assurance that the requirements of GDC 1 and 4 of 10 CFR 50 Appendix A are satisfied.

Staff and Applicant object to this contention, in part because a new environmental qualification rule was approved by the Commission on January 6, 1983 which provides a deadline for meeting the requirements that has not yet passed. Staff Response at 16; Tr. 191-193. We do not consider that objection valid because the Commission amended its regulations to promulgate that new rule only to "clarify and strengthen the criteria for environmental qualification" of the equipment. 48 Fed. Reg. 2729, 2730 (January 21, 1983). If Applicant has not met the old criteria, upon which the new rule was primarily based, it would not meet the "strengthened" criteria.

However, the contention itself is so vague that it clearly cannot meet the specificity requirements of the rules. Neither, for the most part, can the underlying basis. The allegations therein that Applicant has not met the criteria of Regulatory Guides 1.70 and 1.89, IE Bulletin 79-01B, DOR guidelines, NUREG-0588, etc., are not supported by concrete and substantial instances to make them litigable issues.

Only one matter raised by Petitioner appears specific enough at this juncture in the proceeding to be litigable. Petitioner alleges that the present testing methods underestimate the long-term effects of radiation exposure on polymers found in cable insulation and jackets, seals, rings and gaskets, because they use high levels of radiation over short periods of time, rather than low levels over long periods of time.

Petitioner refers to certain NRC documents and articles to support its allegations.

We admit as a contention only that portion of the basis relating to the testing of polymers.

Contention 12

Contention 12 states as follows:

Petitioner contends that Applicant has not provided reasonable assurance that the Asiatic clam (Corbicula fluminea) and other aquatic debris will not befoul the intake/discharge structure of WNP-1 in both normal and emergency operating conditions, thus endangering the public health and safety.

Applicant opposes this contention purely on factual grounds. It attempts to demonstrate that even if the intake/discharge structure were clogged, there would be no adverse effect upon the ability to shut down a plant safely and maintain it in that condition. Applicant's Response at 43-45; Tr. 198. Staff appears to agree with Applicant's analysis, but believes that the contention should be disposed of by summary disposition. Tr. 199, 203.

From the discussion at prehearing conference (Tr. 197-204), it appears likely that Applicant could easily establish by reference to the FSAR and relevant safety criteria that the contention is factually

invalid. Nevertheless, the Appeal Board has prohibited Licensing Boards from dismissing contentions on the merits at the pleading stage even if demonstrably insubstantial. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 550 (1980). But, cf. dissenting opinion in that proceeding, at 553-558. We cannot entertain Applicant's challenge to the contention prior to a motion for summary disposition.

The contention is admitted.

Contention 13

Contention 13 states as follows:

Petitioner contends that the Babcox and Wilcox Emergency Core Cooling System (B&W ECCS) Model relied upon by Applicant does not meet the requirements of 10 CFR 50.46, Appendix K of Part 50 or GDC 35.

In its basis, Petitioner relies primarily upon the investigation into the adequacy of the B&W ECCS model in the TMI-2 Restart Proceeding and on Applicant's not yet having responded fully to the requirements of NUREG-0660 and NUREG-0737 with respect to the conformance of the computer model to 10 C.F.R. Part 50, Appendix K.

Staff does not object to the admission of Contention 13, although it would limit the scope of the contention to the issues raised in the basis, but suggests that the resolution of the issue by the TMI Appeal Board will moot Petitioner's concerns. Staff Response at 18-19.

We do not agree with Staff (and Applicant) that the contention is too vague and general to be litigated without limiting it to the basis stated by Petitioner. In addition, we have reviewed Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), ALAB-729, 17 NRC _____ (May 26, 1983), issued subsequent to Staff's response to the contentions, and do not discern a decision on this issue that would resolve Petitioner's contention in this proceeding. See slip op. at 56 et seq. If Applicant and Staff think otherwise, their recourse is to move for summary disposition when appropriate. We also do not agree with Applicant (Applicant's Response at 47) that its failure to fully comply with 10 C.F.R. Part 50, Appendix K because the regulatory review process has not yet been completed is grounds for not admitting the contention. For purposes of this operating license proceeding, Applicant is assumed to be obligated to fulfill all the regulatory requirements for the issuance of an operating license unless otherwise provided by the Commission. Having satisfied the specificity requirements of the rules, Petitioner's contention is currently valid. If and when Applicant fully complies with the requirements, the issue can then be resolved.

The contention is admitted.

Contention 14

In Petitioner's Supplement to Request for Hearing (at 21), Contention 14 stated as follows:

Petitioner contends that the fire-protection measures at WNP-1 do not meet the requirements of 10 CFR 50.48, Appendix R to Part 50, and GDC 3 in that Applicant has not demonstrated that redundant systems, equipment and components necessary for safety will not be damaged in the event of a fire.

At the prehearing conference, Petitioner reworded Contention 14, as follows (Tr. 278):

Petitioner contends that the fire-protection measures at WPPSS-1 do not meet the requirements of 10 CFR 50.48, Appendix R to Part 50, and GDC-3, in that applicant has not demonstrated that safety-related systems, equipment and components will not be damaged in the event of a fire.

In its basis, Petitioner refers to only two fire protection items: the requirement of separation of cables used to power redundant safety systems; and the seismic qualification of fire protection components such as fire pumps. Petitioner's Supplement at 21-22.

Staff does not object to admitting the contention to the extent of the issue of separation of cables stated in the basis, but it opposes admitting the issue of seismically qualifying the fire pumps because the regulations do not require them to be seismically qualified. It also

opposes admitting the contention for any broader litigation than the separation of cables. Ibid.

We agree with Staff that the contention is overly broad to be admitted without limiting it to the basis stated, and that litigating the question of whether the fire pumps should be seismically qualified would conflict with the regulatory requirements.

Applicant's further point (Applicant's Response at 48) that its commitments to satisfy the requirements of cable separation should suffice cannot be entertained by the Board as a challenge to admissibility.

Contention 14 is admitted only insofar as it relates to the separation of cables.

Contention 15

Contention 15 states as follows:

Petitioner contends that Applicant has not met the requirements of NUREG-0737 II.K.2.9, II.E.5.2(f) and I&E Bulletin 79-27 by not completing a plant-specific Failure Mode and Effects Analysis (FMEA) of the Integrated Control System for WNP-1.

Petitioner withdrew this contention. Tr. 212.

Contention 16

Contention 16 states as follows:

Petitioner contends that the Emergency Diesel Generators as designed and installed are unreliable as a source of on-site emergency power necessary for safety. Failure of the diesel generators should be considered a design basis accident.

Implicit in the second sentence of the contention is the Petitioner's position that this Board should impose a more stringent requirement on Applicant's emergency diesel generators than the Commission has provided in General Design Criterion 17 of Appendix A to Part 50 in which onsite electric power supplies need to perform their safety functions assuming only "a single failure." Petitioner relies upon Florida Power and Light Co. (St. Lucie Nuclear Power Plant, Unit 2), ALAB-603, 12 NRC 30 (1980) in which the Appeal Board considered a loss of all AC power onsite, at variance with GDC 17. However, in that proceeding the Appeal Board's justification for not following the GDC was the special circumstance of the location of the St. Lucie plant in the Florida peninsula so that the applicant's electrical distribution system (grid) could be connected to only the grids of other utilities to the north, making the system less reliable than ones interconnected with multiple grids.

Here, Petitioner has offered no such weighty reason for not following the Commission's rule enunciated in GDC 17, as required by 10 C.F.R.

§ 2.758(a). The reason given (Supplement to Request for Hearing at 23) of emergency diesel generator unreliability, is a generic problem that the Commission has already considered and determined not to require designating a station blackout as a design basis event in the absence of exceptional circumstances such as at St. Lucie. Florida Power and Light Co. (St. Lucie Nuclear Power Plant, Unit 2), CLI-81-12, 13 NRC 838 (1981). The second sentence of Contention 16 must be denied.

Although the first sentence of the contention appears to be broad, the supporting basis raises specific, litigable issues. To begin with, Petitioner alleges that three defects exist with regard to the emergency diesel generators at WNP-1 which the Applicant has admitted requires further corrective action.

Furthermore, the last paragraph of the supporting basis states as follows (Supplement to Request for Hearing at 24):

Additionally the diesel generator medium and large motors, and small motors lack necessary environmental and seismic qualification. FSAR Appendix 3.11B, Table 3.11B-1 (Sheet 3 of 6). Also lacking qualification are the diesel generator engine control panel and diesel generator control panel. Supra. Given the above there is no reasonable assurance that the emergency diesel generators will operate as planned.

Applicant objects to the admission of this paragraph as a contention because of alleged lack of specificity. Applicant's Response at 51-52; Tr. 222-224. It submits that the simple statement that Applicant

has not yet met the burden of demonstrating the environmental and seismic qualification of this equipment is overly broad in that there has been no suggestion, allegation, demonstration or other offer to the effect that Applicant will not meet that burden. Tr. 223.

Staff, on the other hand, does not consider this paragraph as overly broad and would admit the issue of seismic qualification but demurs to the environmental qualification because the environmental qualification rule that will govern this operating license is not yet effective with regard to Applicant (see discussion on Contention 11, above). Tr. 224-5, 233-4.

We agree with Staff that this paragraph is specific enough in light of Applicant's not having met the requirements in toto at this point in time. If it had attempted to meet the requirements and had failed in some particulars, Petitioner would be required to specify those particulars in greater detail. But under the circumstances, Petitioner's allegations are as specific as can be raised. As to Staff's argument with regard to the effective date of the new environmental qualification rule, we read Petitioner's allegation as requiring compliance with whatever environmental qualification rules are appropriate for the issuance of this operating license (i.e., the current rules or whatever they may be superseded by before the license is issued).

The first sentence of Contention 16 is admitted.

Contention 17

Contention 17 states as follows:

Petitioner contends that WNP-1 Seismic Category I systems, components, and equipment, during a seismic event at the site, at or below the SSE, would fail in such a manner as to prevent safe shutdown of the plant. Such a failure violates GDC 2 and presents an undue risk to the public health and safety. Furthermore the Architect/Engineer's response spectra is wholly defective and can not be relied upon for a seismic analysis.

Clearly, this contention is extremely broad. In its basis, however, Petitioner has raised a number of concrete issues. Supplement to Petition for Hearing at 24-26. Applicant objects to these issues primarily on the merits and, where applicable, to allegations that Applicant has not yet completed what it has committed itself to do. We cannot entertain Applicant's objections on the merits at this juncture. Nor, where Applicant has safety obligations it has not yet satisfied, can we accept its commitment in resolution of the issues raised.

Because of the fragmented presentation of the issues underlying this contention in Petitioner's supplement to petition for hearing, we accept the Staff's reworded, comprehensive statement of the issues (Staff's Response at 22-23) as follows:

(1) whether the as-built seismic capability of the cable tray supports is substandard; (2) whether the Applicant has used Quality Class II equipment in place of Quality Class I as required for seismic category I systems, components and equipment with respect to pipe rupture restraints, cable trays and the containment purge system; (3) whether the Applicant has completed a program to assure snubber operability; (4) whether the Applicant has provided Reg. Guide 1.70 critical damping values; (5) whether the Applicant has identified adequate seismic analysis methods to verify pipe support baseplate flexibility and the design of structural steel framing for platforms that support safety-related systems in the containment; (6) whether the Applicant has provided adequate design and analysis procedure to verify the adequacy of the containment; (7) whether there are adequate soil damping values for structures, systems and components in the nuclear steam supply system (NSSS); (8) whether the electrical equipment listed in FSAR Appendix 3.11B has been seismically qualified; (9) whether the Architect/Engineer's amplified response spectra is reliable for HVAC equipment and modified structural steel framing; and (10) whether the Applicant has performed an adequate dynamic analysis of ASME class piping.

We admit as Contention 17 the basis given by Petitioner, as restated by Staff, above.

Contention 18

Contention 18 states as follows:

Petitioner contends that Applicant has failed to conduct an adequate assessment of the interactivity of WNP-1 and surrounding nuclear/chemical facilities including the ability (of WNP-1 or the other facilities) to continue safe operation in the event of an accident (at WNP-1 or the other facilities) and the consequences of loss of operability as required by 10 CFR 51.20 and 10 CFR 100.10.

Staff objects to the admission of this contention, first, on the grounds that it is very broad and ambiguous and, secondly, because the parentheticals used in the contention would place into controversy the ability of non-NRC licensed facilities to operate safely in the event of an accident at WNP-1. Staff Response at 23. Staff points out that the NRC does not have jurisdiction to consider, particularly in an operating license proceeding, the ability of surrounding facilities to operate safely in the event of an accident at WNP-1. Ibid.

We agree with Staff that the safe operation of the other facilities in the event of an accident at WNP-1 is outside the scope of what this Board can consider. Although we do not necessarily agree with Intervenor's choice of regulatory basis (10 C.F.R. § 51.20 and 10 C.F.R. § 100.10 relate to construction permits and site evaluations), we agree with the parties (Tr. 244) that external hazards to the WNP-1 plant (including those from surrounding nuclear/chemical facilities) must be analyzed to ensure the continued safe operation of the plant. We do not agree with Staff that the contention is too broad and ambiguous, considering the few nuclear/chemical facilities in the surrounding area. Nevertheless, Petitioner feels (Tr. 238) that it has identified all the facilities of concern to it in its basis and would not see any difficulty in limiting the contention to those facilities. Staff has restated the contention limited to the six items listed in the basis in a comprehensible manner (Staff's Response at 24), we would adopt as the contention, as follows:

WNP-1 has not been designed to withstand the effects of: (a) an explosion at the Department of Energy's Fast Flux Test Facility; (b) potential hazards from military overflights; (c) an aircraft collision into a power line tower; (d) an accident at the N-reactor which is located approximately 18 miles away; (e) the PUREX facility which is scheduled to operate in 1984; and (f) the transportation of potentially dangerous radioactive materials on a mainline railroad track within the exclusion area of WNP-1.

Applicant's objections to the contention go mostly to the merits of the adequacy of Applicant's analysis of the interaction of the facilities. We cannot consider the merits in ruling on admissibility.

Petitioner had also raised in its basis the alleged inadequacy of Applicant's emergency plans in considering the nuclear and chemical facilities in the vicinity. Petitioner's Supplement at 27. At the pre-hearing conference, Petitioner deleted its reference to emergency plans in Contention 18, in order to include all of the emergency planning considerations in Contention 19. Tr. 243.

We admit Contention 18 as restated above to limit it to the six enumerated items in Petitioner's basis.

Contention 19

Contention 19 states as follows:

Petitioner contends that the emergency plans proposed by Applicant are insufficient to assure that adequate protective measures can and will be taken in the event of a radiological emergency as required by 10 CFR 50.33, 50.47, 50.54 and Appendix E to Part 50.

Although the contention is very broadly stated so as to challenge the entirety of Applicant's emergency plans, Petitioner has supported it with six pages of specifics in its basis. Petitioner's Supplement at 30-35. Since the facility is not expected to be operational until at least 1988, the emergency plans are necessarily in an incipient stage, notwithstanding that the WNP-2 plans are nearing completion. Consequently, Applicant and Staff challenge Petitioner's specific allegations with regard to insufficiencies in the plan as being premature. Staff opines that Petitioner will have an opportunity to raise contentions at a later date after the state and local plans are filed. Staff's Response at 25. At the time of Staff's response, only the Appeal Board had spoken to the matter of filing late contentions, in Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-687, 16 NRC 460 (1982). The Appeal Board held that Licensing Boards have no authority to admit a contention conditionally that falls short of meeting the specificity requirements because of the unavailability of relevant documents that make it impossible to assert a sufficiently specific contention. But, when the documents are issued, a reworded contention containing the required specifics could be admitted by the Licensing Board without a showing that the five-factor test had been satisfied. Since our pre-hearing conference, the Commission has stated its disagreement with the

Appeal Board and asserted that any refiled contention would have to meet the five-factor test of 10 C.F.R. § 2.714(a)(1), if not timely filed, even if the specifics could not have been known earlier because the documents on which they were based had not yet been issued. Catawba, CLI-83-19, 17 NRC ____ (June 30, 1983).

Viewing Contention 19 in the context of the Commission's ruling, we cannot dismiss it so lightly on the understanding that a revised contention would be accepted at some later date. We must examine the contention closely at this point to see whether it meets the specificity requirements even while we acknowledge that the specifics of Applicant's emergency plans will necessarily change before the issue is close to an evidentiary hearing. With that in mind, we find that the six pages of specifics raised by Petitioner as its basis (and the emergency planning matter raised in the basis to Contention 18) are certainly adequate to support the contention at this time. If the specifics change while the emergency plans evolve, Petitioner will be required during the prehearing stages of this proceeding to refocus its concerns.

In its basis, Petitioner has questioned, inter alia, the propriety of not including the City of Richland, the nearest part of which is 12 miles away, in the 10-mile emergency planning zone (EPZ) by using an exact 10-mile radius. Petitioner's Supplement at 32. Although Applicant (Applicant's Response at 60) and Staff (Staff's Response at 26) object to enlarging the EPZ as a challenge to the regulations (10 C.F.R.

§ 50.47(c)(2)), Staff could not rule out a variation in the zone's 10-mile radius to 12 miles at some location as being a challenge to the regulations. See discussion at Tr. 247-56. Under 10 C.F.R. § 50.47 (c)(2) the exact size and configuration of the EPZ (of "about 10 miles") may be affected by conditions such as demography, topography, land characteristics, access routes and jurisdictional boundaries. We would not hold the contention to be inadmissible at this juncture with regard to the 12 miles, but would require that Petitioner prove at the evidentiary hearing that special circumstances require varying the 10-mile zone to include the City of Richland.

The contention is admitted.

Contention 20

As originally submitted in Petitioner's Supplement to Request for Hearing (at 35), Contention 20 is stated as follows:

Petitioner contends that there is no reasonable assurance that WNP-1 will be completed on a timely basis and that the project has not been constructed "in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission" as required by 10 CFR Part 2, Appendix A, VIII(b)(1). Numerous deficiencies, both known and unknown, exist in the construction of WNP-1 such that its operation would cause an undue risk to the public health and safety. The halt in construction, in addition to the previously existing delays, will prevent completion of the project on a timely basis. Continued conformance with the construction permit by Applicant is

unlikely due to inadequate measures at the present and into the future, taken to protect the portions of the plant that are already built and the systems that are already installed.

However, at the prehearing conference, Petitioner reworded the contention, as follows (Tr. 260-1):

Petitioner contends that there is no reasonable assurance that construction of WNP-1 has been substantially completed in conformity with the construction permit and the application, as amended, provisions of the Act and Rules and Regulations of the Commission, as required by 10 C.F.R. 50.57, § 1.

The discussion of Contention 20 (Tr. 260-276) indicated that it had been rewritten by Petitioner in consultation with the Staff and perhaps Applicant. Petitioner intended to separate more clearly the issues of Contention 5 from Contention 20: Contention 5 was intended to question the adequacy of Applicant's quality assurance/quality control program in light of alleged deficiencies with the QA/QC program during construction; Contention 20 was intended to question the safety of the plant because of construction defects, some of which may have arisen because of an inadequate QA/QC program during construction.

Even as rewritten, however, Staff and Applicant object to the contention, primarily upon the grounds that it is too broad and vague, that it would open for litigation every conceivable item of construction, and that Applicant would be unfairly put to the burden of demonstrating that it meets all of the requirements of the regulations without being on

notice as to what it must demonstrate in order to meet those requirements. Staff has no objection to admitting the contention provided it is limited to the construction defects concerning WNP-1 that were mentioned in the underlying basis (and in the basis to Contention 5, which Petitioner cross-referenced to Contention 20). In the basis to Contention 20, there were questions raised with regard to welding, electrical cable installations, the use of unqualified personnel, and the use of drugs among construction workers. In the basis to Contention 5, an inspection report for WNP-1 was mentioned, covering the welding of skewed joints of piping support structural steel. In addition, in Contention 20 Petitioner questioned the adequacy and propriety of "moth-balling" or otherwise attempting to preserve the plant during the hiatus in construction, which Petitioner contended would result in additional construction defects.

Although Petitioner resisted limiting the contention to the specific matters covered in their bases to Contentions 5 and 20, and claimed to offer those items only as examples, we agree with Staff and Applicant that it would be inappropriate to permit Petitioner to expand its "shopping list" of construction defects under its broadly worded contention. We would therefore limit the contention to the specifics mentioned, including unnamed construction defects that may result from Applicant's method of preserving the construction, a procedure which Petitioner contends should not be permitted in the first instance. That aspect of this contention will, of course, be litigated after

construction resumes, at which time Petitioner will be required to specify the complained of construction defects.

The contention is admitted as limited by the discussion above.

II. FURTHER SCHEDULING

At the special prehearing conference, the Board asked the parties to submit briefs on further scheduling in view of the fact that Applicant had announced a suspension of construction of the facility for up to five years. Tr. 225-32. Applicant's position was that there should be no deferral of this proceeding because the areas of concern raised by Petitioner are now ripe for resolution. Applicant's Memorandum on Scheduling at 7-10.

Staff informed the Board that, due to the announced delays in construction, Staff was proceeding on a "manpower available" basis, pursuant to which it is reviewing only those portions of the WNP-1 operating license application which parallel other current applications of similar design or with similar features. Staff's Position on Timetable at 3. Under these circumstances, Staff continued, it would be premature and unproductive to schedule any further proceedings until the Board satisfies itself that certain issues are ripe for adjudication. Staff felt that proceeding with discovery would be largely unproductive; might require substantial supplementation at later stages of the proceeding;

and would be burdensome to the Staff because Staff does not currently have extra manpower available to devote to the review of WNP-1. Id. at 3-4.

Staff suggested that, upon its informing the Board and the parties of its completion of review of certain contested issues, the Board could then set a schedule for discovery, summary disposition and hearing on these limited issues. Litigation of the remaining contested issues would await the resumption of construction activities at WNP-1. Staff further proposed that the Board direct the Applicant to keep the Board and the parties informed, quarterly, as to the status of construction at the plant. Ibid.

Petitioner's position generally paralleled that of Staff in requesting that the proceeding be deferred at this time. Among other things, Petitioner opposed having to commit its limited resources to litigating issues that might have to be relitigated, or to discovery that might have to be supplemented, to arrive at findings that are unlikely to retain their validity in light of expected advances in the technology of nuclear power engineering and associated scientific fields. See Petitioner's Position on Scheduling at 3-6. Petitioner went further than Staff in requesting that the entire proceeding be suspended until construction is restarted.

All of the parties relied upon Potomac Electric Power Co. (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-277, 1 NRC 539 (1975) to support their respective positions on either deferring the proceeding or continuing with it. In that case, the Appeal Board indicated (at 547), that among the principal factors to be taken into account in deciding whether to hear the issues during suspension of construction are:

(1) the degree of likelihood that any early findings on the issue(s) would retain their validity; (2) the advantage, if any, to the public interest and to the litigants in having an early, if not necessarily conclusive, resolution of the issue(s); and (3) the extent to which the hearing of the issue(s) at an early stage would, particularly if the issue(s) were later reopened because of supervening developments, occasion prejudice to one or more of the litigants.

In Douglas Point, the Licensing Board had denied in its entirety the Applicant's motion to proceed with evidentiary hearings on its construction permit application even though Applicant had postponed construction for some years. Considerable effort had already been expended in trial preparation on a number of issues and certain of the parties (including Staff) had expressed concern that part of the fruits of that effort might be lost were a hearing on those issues to be postponed for a substantial period. Id. at 551. The Appeal Board suggested that, under the factors to be considered, certain of the site-related issues might appropriately be heard at that time, and directed the Licensing

Board to reconsider its deferral of the proceeding in light of the views expressed by the Appeal Board.

In Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2), ALAB-570, 10 NRC 679 (1979), the Appeal Board applied the principles it had enunciated in Douglas Point to decide to continue with an evidentiary hearing after a catastrophic accident had occurred to the plant. The hearing had been scheduled three weeks before the accident, to begin four weeks later. In accordance with an established schedule, the parties served and filed written testimony and Staff caused the issuance of subpoenas to prospective witnesses. After the accident occurred, the hearing was postponed indefinitely. In applying the Douglas Point principles, the Appeal Board decided to proceed with the evidentiary hearing.

In the instant proceeding, we are not concerned with site suitability issues, as in Douglas Point, or in concluding the evidentiary process with the culminating evidentiary hearing after all of the prehearing matters had been completed, as in Three Mile Island. The issues before us are, for the most part, ones that involve a nuclear technology that may advance rapidly during the hiatus in construction. Any discovery taken now would, in all likelihood, have to be supplemented at a later date. Moreover, Staff is not even prepared to participate in discovery because of its decision to conduct the review of the licensing application only on a "manpower available" basis.

Applying the Douglas Point factors in general to this proceeding, it is doubtful that many early findings on any of the issues would retain their validity; there would be little benefit to the public interest to having an early resolution on the issues; and, if the issues were later reopened because of supervening developments, the parties with the most limited resources would find it extremely difficult to redo their litigation efforts.

It appears to us that the wisest procedure is to defer discovery until, at least, Staff indicates that it has completed its review of an issue encompassed by the contentions. At that point, we would ascertain the views of the parties on whether to proceed with discovering and litigating that issue, taking into account the factors discussed in Douglas Point. We wish to be informed, as Staff proposed (Staff Position on Timetable at 4), of the status of construction at the plant by means of quarterly reports from Applicant to the Board and parties setting forth in summary fashion the progress, if any, in construction at the plant and any anticipated near-term change in status of construction activity.

ORDER

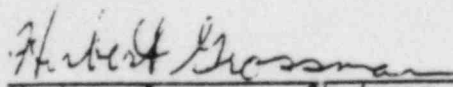
For all of the foregoing reasons and based upon a consideration of the entire record in this proceeding, it is this 14th day of October, 1983,

ORDERED

- (1) That CSP's Contentions 4, 5, 6, 10, 12, 13 and 19 are admitted;
- (2) That CSP's Contentions 2, 11, 14, 16, 17, 18 and 20 are admitted as limited above;
- (3) That CSP's Contentions 1, 3, 7 and 9 are denied;
- (4) That CSP is admitted as an Intervenor in the proceeding;
- (5) That the proceeding is held in abeyance;
- (6) That Staff notify the Board and the parties when it has completed its review of any issues covered by the admitted contention;
- (7) That the Applicant file quarterly reports, with the first one due by January 1, 1984, regarding construction activities at WNP-1 as discussed above; and
- (8) That any party opposing the admission of CSP shall have until ten (10) days after service of this Order, pursuant to 10 C.F.R. § 2.714a, to appeal this order and any prior

orders of the Board relating to standing which led to the admission of CSP.

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland,

October 14, 1983.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour

II
Young Wagner
Gray

In the Matter of

WASHINGTON PUBLIC POWER SUPPLY SYSTEM,
et al.

(WPPSS Nuclear Project No. 1)

Docket No. 50-460-CPA

(ASLBP No. 83-485-02 CPA)

July 11, 1983

ORDER
(Establishing Further Schedule)

Upon consideration of the parties' status reports and proposed
schedules, it is, this 11th day of July, 1983,

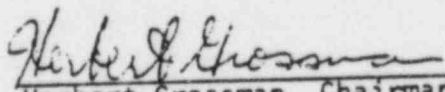
ORDERED,

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That the following schedule is adopted:

Last discovery filed	August 12
Objections and responses due	August 31
Motions to compel response	September 16
Responses to motions to compel	September 30
Compelled responses	October 31
Motions for summary disposition	November 14
Responses to motions	December 12
Prefiled testimony	December 26
Hearing commences	January 10

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland,

July 11, 1983.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour

MAILED 11/11/83

In the Matter of

WASHINGTON PUBLIC POWER SUPPLY SYSTEM,
et al.

(WPPSS Nuclear Project No. 1)

Docket No. 50-460-CPA

(ASLBP No. 82-480-01 CPA)

March 25, 1983

MEMORANDUM AND ORDER
(Admitting Intervenor and Contention)

MEMORANDUM

On February 22, 1983, this Board issued a Memorandum and Order Following the First Prehearing Conference in which it determined that Petitioner, the Coalition for Safe Power (CSP), had standing to intervene. We did not rule on CSP's two contentions, advanced in CSP's Supplement to Request for Hearing dated January 10, 1983, because the Board had allowed CSP time to amend its contentions to take into account the additional 2-5 year period of extension of construction permit

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recently requested by Permittee, the Washington Public Power Supply System (WPPSS). CSP served and filed an Amendment to Contention No. 2 on February 11, 1983. Staff responded on February 23, 1983 indicating that it does not oppose the admission of Amended Contention No. 2. WPPSS responded on February 28, 1983 by opposing the amended contention.

The Board admits Amended Contention No. 2. It denies Contention No. 1 because, to the extent that it is admissible, it is duplicated by Amended Contention No. 2.

Contention No. 1

Petitioner contends that delays in the construction of WNP-1 and 2 have been under the full control of the WPPSS management. The applicant was responsible for the delays and the delays were dilatory and thus applicant has not shown the "good cause" as required by 10 CFR 50.55(b).

On October 8, 1982, the Commission issued an Order in this proceeding, CLI-82-29, 16 NRC _____, concerning CSP's request for hearing which provided Commission guidance on the scope of construction permit extension proceedings. Of critical importance was the Commission statement (slip op. at 16) that, "[t]o the extent that CSP is seeking to show that WPPSS was both responsible for the delays and the delays were dilatory and thus without 'good cause' [a] contention, if properly particularized and supported, would be litigable."

The wording of this contention was tailored to meet the Commission statement. However, under that statement the contention must be properly particularized and supported. In considering this identical contention with regard to WPPSS 2, this same Board denied that contention¹ on the ground that WPPSS was "dilatory." We had understood the Commission to have used the term "dilatory" in the sense of intending to cause delay or being indifferent to the delay that might be caused. We found that CSP had particularized and supported only matters relating to alleged mismanagement that resulted in delays, but not any matter that would indicate an intention to cause delay or an indifference to delay that caused delay.

At the prehearing conference covering both WPPSS 1 and 2, CSP conceded (Tr. 58-9) that its position with regard to the WPPSS management's being dilatory was the same with regard to WPPSS 1 as it was with regard to WPPSS 2, with one important exception. That exception relates to the

¹ Washington Public Power Supply System (WPPSS Nuclear Project No. 2), Docket No. 50-397-CPA, Memorandum and Order (Dismissing Petition and Denying Hearing), February 22, 1983. While technically these are two separate proceedings, Commission Order CLI-82-29, *supra*, considered both petitions for hearing filed by CSP, and this Board was established under the same orders governing both facilities. 47 Fed. Reg. 46922, Oct. 21, 1982; and Order Reconstituting Board, 47 Fed. Reg. 49764, Nov. 2, 1982.

current decision of WPPSS management to cease construction for a 2-5 year period, which CSP contends is an intentional delay and, presumably, without good cause.

Consistent with that reasoning with regard to WPPSS 2,² we would deny Contention No. 1 except to the extent that it relates to the WPPSS management's being responsible for the delays as a result of the contemplated 2-5 year period of cessation of construction activities. However, in view of the fact that Amended Contention No. 2 includes this allegation and we admit Contention No. 2 in toto, we deny Contention No. 1.

Amended Contention No. 2

Petitioner contends that the Permittee's decision in April 1982 to "defer" construction for two to five years, and subsequent cessation of construction at WNP-1, was dilatory. Such action was without "good cause" as required by 10 CFR 50.55(b). Moreover, the modified request for extension of completion date to 1991 does not constitute a "reasonable period of time" provided for in 10 CFR 50.55(b).

² CSP has appealed the order dismissing the petition in Washington Public Power Supply System (WPPSS Nuclear Project No. 2), Docket No. 50-397-CPA. This Board, of course, will follow any Appeal Board or Commission guidance offered in deciding that appeal which affects the issues before the Board in this proceeding.

From the fact of WPPSS' having requested an extension of the construction completion date for an additional 2-5 years during which it will cease construction activity, it appears that a prima facie showing, even beyond mere particularization and support, has been made for compliance with the Commission tests of showing management being responsible for, and dilatory in, the delays in construction. Consequently, this contention is clearly admissible. It appears that the hearing will devolve upon the questions of whether Permittee has demonstrated "good cause" for the delay and whether the requested extension of completion date is for a reasonable period of time.

ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 25th day of March, 1983,

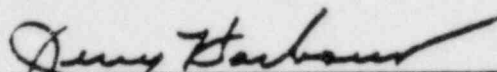
ORDERED

1. That Petitioner, the Coalition for Safe Power, is admitted as an Intervenor in this proceeding;
2. That Contention No. 1 is denied and Amended Contention No. 2 is admitted;

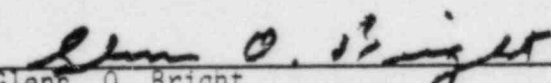
3. That discovery is to commence immediately;
4. That, by June 1, 1983, each of the parties is to submit a status report to the Board indicating the further discovery needed; the estimated time for completion of discovery; all unresolved procedural matters; whether there is a necessity for a further, intermediate prehearing conference; and recommended dates for filing motions for summary disposition (if any), holding a final prehearing conference, the filing of prefiled direct testimony, and the commencement of the hearing;
5. That this Order shall control the subsequent course of this proceeding unless modified by further order of the Board; and
6. That, pursuant to 10 CFR § 2.714a(a) and (c), the parties other than Petitioner have 10 days from date of service (see 10 CFR § 2.710) to appeal this Order (and, to the extent relevant to the admission of Petitioner, the Memorandum and Order of February 22, 1983) to the Atomic Safety and Licensing Appeal Board.

By order of the Board.

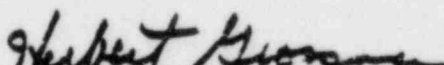
THE ATOMIC SAFETY AND LICENSING BOARD



Jerry Harbour
ADMINISTRATIVE JUDGE



Glenn O. Bright
ADMINISTRATIVE JUDGE



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland,

March 25, 1983.

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS) -

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 Coalition for Safe Power

SUBJECT: First set of interrogatories & document production requests.
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	VTIS	1 1		

Designated Original Army

May 4, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

}
}
}

Docket No. 50-460 CPA

NRC STAFF'S FIRST SET OF INTERROGATORIES
AND FIRST DOCUMENT PRODUCTION REQUEST TO
COALITION FOR SAFE POWER

In accordance with 10 CFR Sections 2.740, 2.740b and 2.741, the NRC Staff hereby serves the Coalition for Safe Power (CFSP), as an intervenor in the above-captioned proceeding, with the following interrogatories and request for production of documents. These interrogatories and document request relate to CFSP Amended Contention No. 2, as admitted in the Licensing Board's Memorandum and Order (Admitting Intervenor and Contentions) dated March 25, 1983.

Each interrogatory shall be answered separately and fully in writing under oath or affirmation, and shall include all pertinent information available to CFSP, its officers, directors, members, employees, advisors, or counsel, based upon the personal knowledge of the person answering. Answers to these interrogatories are required to be served upon all parties to the proceeding within 14 days after service of the interrogatories. By each request for production of documents, the NRC Staff seeks to inspect and copy pertinent documents which are in the possession, custody or control of CFSP, its officers, directors, members, employees, advisors or counsel.

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G PDR

Designated Original
[Signature]

As used herein, the term "documents" shall include any writings, drawings, graphs, charts, and schedules, however produced; photographs or other pictorial representations; recordings and tapes, whether sound or visual; and data compilations of whatever form.

Each interrogatory should be answered in six parts as follows:

- (1) Answer the direct question asked or provide the information requested.
- (2) Identify fully any documents (a) used as the basis for the answer to the interrogatory or (b) related to the subject of the interrogatory upon which you intend to rely in establishing the contention.
- (3) Give the name, address, occupation and employer of the person or persons (a) answering each interrogatory, or (b) who have served, presently serve, or it is anticipated will serve as consultants or advisors to CFSP on the subject matter of the interrogatory.
- (4) Identify each person whom you expect to call as a witness to testify at the hearing as to the issue addressed in the pertinent interrogatory. As to each such person, please state (a) the subject matter of his or her testimony and (b) the substance of the testimony and (c) the witness' professional or other qualifications to testify on the subject matter on which the witness expects to testify.
- (5) Is the answer based on a calculation? If so, describe (a) the calculation, (b) identify any documents setting forth such calculation, (c) identify the person who performed each calculation, (d) when it was performed, (e) each parameter used in such calculation, each value assigned to the parameters, and the source of your data, (f) the results of each calculation, and (g) how each calculation provides basis for the answers.
- (6) Is the answer based on conversations, consultations, correspondence or any other type of communications with one or more individuals? If so, (a) identify each such individual by name and address, (b) state the educational and professional background of each such individual, (c) describe the information received from such individual and its relation to your direct answer (d) identify each writing or record related to each such conversation, consultation, correspondence or other communication with such individual.

In addition, CFSP is requested, pursuant to 10 CFR Section 2.740(e), to supplement its responses as necessary with respect to the identity of each person expected to be called as an expert witness at the hearing in this proceeding, the subject matter on which he or she is expected to testify, and the substance of such testimony. Similarly, CFSP is requested to amend its responses if CFSP subsequently learns that any response made to the interrogatories herein was incorrect when made, or that the response though correct when made is no longer correct.

INTERROGATORIES

Interrogatory 1

Explain fully the relationship between your statement that the decision to defer construction of WNP-1 for a two-to-five year period was "made upon reviewing the recommendations of the Bonneville Power Administration (BPA), reviewing alternative proposals and taking public comment" and your contention that Permittee's decision to defer construction was "dilatory" and without "good cause."

Interrogatory 2

(a) Is it your position that the Permittee was "dilatory" in not notifying the NRC on or about April 29, 1982 that it was modifying its request for a completion date from 1986 to 1991?

(b) If your answer to Interrogatory No. 2(a) is in the affirmative, explain fully the basis for that statement.

Interrogatory 3

(a) Is it your position that BPA support is not necessary to the financing of WNP-1?

(b) If your answer to Interrogatory No. 3(a) is in the affirmative, identify and give full details with respect to all information upon which you base that statement.

(c) If your answer to Interrogatory No. 3(a) is in the affirmative, explain fully how the financing of WNP-1 could be accomplished if BPA were to disapprove any further financing of WNP-1 construction.

Interrogatory 4

Is it your contention that the financial support or lack of financial support by BPA for WNP-1 would have no effect on the financing costs of WNP-1?

Interrogatory 5

Is it your contention that the opinion of BPA on the PNVC as to when WNP-1 should go into commercial operation, would have no effect on the financing costs of WNP-1?

Interrogatory 6

(a) Is it your statement that BPA does not have the authority to disapprove any further financing of WNP-1 construction?

(b) If your answer to Interrogatory No. 6(a) is in the affirmative, explain fully the factual basis for that statement.

Interrogatory 7

Is it your contention that there has not been a slowing in growth rate of electric power requirements in the Pacific Northwest?

Interrogatory 8

Is it your contention that the growth rate of electric power requirements in the Pacific Northwest has stopped or will stop completely before 1991?

Interrogatory 9

Is it your contention that the growth rate of electrical power requirements has no business relationship as to when WNP-1 should go into commercial operation?

Interrogatory 10

(a) Is it your statement that the January 11, 1983 letter to H. Denton, Director, NRR, NRC, from G.D. Bouchev, WPPSS, does not support

Permittee's assertion that a deferred need for power constitutes "good cause" for deferring construction?

(b) If your answer to Interrogatory No. 10(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for your statement.

Interrogatory 11

(a) Do you contend that a deferred need for power cannot as a matter of law constitute "good cause" under 10 CFR § 50.55(b)?

(b) If your answer to Interrogatory No. 11(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for this contention.

Interrogatory 12

(a) Do you claim that the actual deferral in the need for power in the Northwest United States does not justify deferring construction of WNP-1?

(b) Explain fully your answer to Interrogatory No. 12(a).

(c) If your answer to Interrogatory No. 12(a) is in the affirmative, state the relevance of your statement that "Petitioner ... does not believe the power from WNP-1 will ever be needed?" to your claim that need for power in the Northwest United States does not justify deferring construction of WNP-1.

Interrogatory 13

What is factual basis for your statement that "Petitioner ... does not believe the power from WNP-1 will ever be needed"?

Interrogatory 14

Is it your contention that if and when WNP-1 is completed and ready to operate, it will not be operated because there would be no need for the power?

Interrogatory 15

What factors do you contend are relevant in assessing whether power from WNP-1 will ever be needed?

Interrogatory 16

Explain the factual basis and/or legal authority for your statement that "[s]ix to nine years cannot have been contemplated as a 'reasonable period of time' by the writers of 10 CFR 50.55(b)."

Interrogatory 17

What do you contend would be a reasonable period of time for extension of the construction completion date for WNP-1?

Interrogatory 18

(a) Identify any and all "requirements of any regulations" promulgated since the date of docketing of the WNP-1 operating license application from which WNP-1 would otherwise be grandfathered by virtue of its date of docketing.

(b) Explain fully how each of the requirements identified in response to Interrogatory No. 18(a) will delay completion of the plant beyond the requested completion date of 1991. Give full details as to the extent of delay attributable to each such requirement.

REQUEST FOR DOCUMENTS

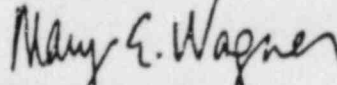
Pursuant to 10 CFR Section 2.741, the NRC Staff requests you to make available for inspection and copying at a time and location to be designated any and all documents, of whatever description, identified in the responses to the above Staff interrogatories, including, but not limited to:

- (1) any written record of any oral communication between or among Intervenor, its advisors, consultants, agents, attorneys, and/or any other persons, including but not limited to the Permittee, and its advisors, consultants, agents, attorneys and/or any other persons; and
- (2) any documents, correspondence, letters, memoranda, notes, diagrams, reports, charts, photographs, or any other writing of whatsoever description, including but not limited to work papers, prior drafts, and notes of meetings.

If CFSP maintains that some documents should not be made available for inspection, it should specify the documents and explain why such are not

being made available. This request extends to any such document, described above, in the possession of CFSP, its advisors, consultants, agents, or attorneys.

Respectfully submitted,



Mary E. Wagner
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 4th day of May, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

(WPPSS Nuclear Project No. 1)

}
} Docket No. 50-460 CPA
}

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF INTERROGATORIES AND FIRST DOCUMENT PRODUCTION REQUEST TO COALITION FOR SAFE POWER" 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, by deposit in the Nuclear Regulatory Commission's internal mail system, this 4th day of May, 1983:

*Herbert Grossman, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Mr. Glenn O. Bright
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Dr. Jerry Harbour
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Nicholas S. Reynolds
Debevoise & Liberman
1200 Seventeenth Street, NW
Washington, DC 20036

Eugene Rosolie
Coalition for Safe Power
Suite 527
408 South West Second Street
Portland, Oregon 97204

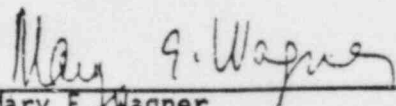
Gerald C. Sorensen
Manager, Licensing Programs
Washington Public Power Supply System
3000 George Washington Way
Richland, Washington 99352

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

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

*Docketing & Service Section
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Nicholas D. Lewis, Chairman
State of Washington
Energy Facility Site Evaluation
Council
Mail Stop PY-11
Olympia, Washington 98504


Mary E. Wagner
Counsel for NRC Staff

DOCKETED
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY
AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER)
SUPPLY SYSTEM) Docket No. 50-460-CPA
)
(WPPSS Nuclear Project No. 1))

LICENSEE'S FIRST SET OF
INTERROGATORIES AND REQUESTS
TO PRODUCE TO INTERVENOR

Pursuant to 10 C.F.R. §§2.740b and 2.741, the Washington Public Power Supply System (Licensee) hereby serves Applicant's First Set of Interrogatories and Requests to produce upon the Coalition for Safe Power (intervenor).

Each interrogatory shall be answered fully in writing, under oath or affirmation, and include all pertinent information known to intervenor, its officers, directors or members as well as any pertinent information known to its employees, advisors, representatives or counsel. Each request to produce applies to pertinent documents which are in the possession, custody or control of intervenor, its officers, directors or members as well as its employees, advisors, representatives or counsel. In answering each interrogatory and in responding to each request,

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recite the interrogatory or request preceding each answer or response. Also, identify the person providing each answer or response.

These interrogatories and requests shall be continuing in nature. Thus, any time intervenor obtains information which renders any previous response incorrect or indicates that a response was incorrect when made, intervenor should supplement its previous response to the appropriate interrogatory or request to produce. Intervenor should also supplement its response as necessary with respect to identification of each person expected to be called at the hearing as a witness, the subject matter of his or her testimony and the substance of that testimony. Licensee is particularly interested in the names and areas of expertise of intervenor witnesses, if any. Identification of such witnesses is necessary if Licensee is to be afforded adequate time to depose them. The term "documents" shall include any writings, drawings, graphs, charts, photographs and other data compilations from which information can be obtained. Licensee requests that at a date or dates to be agreed upon, intervenor make available for inspection and copying all documents subject to the requests set forth below.

REQUESTS FOR DOCUMENTS

Pursuant to 10 C.F.R. §2.741, Licensee requests intervenor by and through its representative or attorney to make available for inspection and copying at a time and location to be designated, any and all documents identified in the responses to the Licensee's interrogatories below including, but not limited to:

- (1) any written record of any oral communication between or among intervenor, its advisors, consultants, representative, and/or any other persons, including but not limited to the NRC Staff, the Licensee, and their advisors, consultants, agents, and/or any other persons; and
- (2) any documents, correspondence, letters, memoranda, notes, diagrams, reports, charts, photographs, or any other writing, including but not limited to work papers, prior drafts, and notes of meetings.

If intervenor maintains that some documents should not be made available for inspection, it should specify the documents and explain why such are not being made available. This requirement extends to any such documents, described above, in the possession of intervenor, its advisors, consultants, representatives, or attorney.

INTERROGATORIES

Pursuant to 10 C.F.R. §2.740b, the Licensee requests intervenor by and through its representative or attorney to answer separately and fully in writing, under oath or affirmation, by persons having knowledge of the information requested, the following interrogatories.

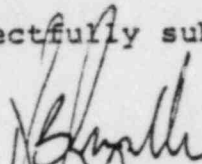
1. State the full name, address, occupation and employer of each person answering the interrogatories and designate the interrogatory or the part thereof he or she answered.
2. Identify each and every person you are considering calling as a witness in the event a hearing is held in this proceeding and with respect to each of these witnesses:
 - a. State the substance of the facts and opinions to which the witness is expected to testify;
 - b. Give a summary of the grounds for each opinion; and
 - c. Describe the witness's educational and professional background.
3. Is your contention based upon conversations, consultations, correspondence or any other type of communications with one or more individuals? If so,
 - a. Identify by name and address each of these individuals.
 - b. State the educational and professional background of each of these individuals, when each communication occurred, and identify all other individuals involved.
 - c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
 - d. Describe the information received from such individuals and explain how it provides a basis for your contention.

- e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence or other communication with such individual.
4. Please identify and provide a copy of the current charter, bylaws, articles of incorporation and/or all other organic documents pursuant to which intervenor is organized.
5. Have the documents identified and provided in interrogatory 4 amended and/or superceded any earlier charters, bylaws, articles of incorporation and/or organic documents pursuant to which intervenor was organized? If so:
 - a. Identify and provide each of these amended and superceded documents.
 - b. Explain why these documents were amended and/or superceded.
 - c. Identify and provide all documents in which the actions explained in interrogatory 5(b) are discussed.
6. Explain the organizational goals of intervenor.
7. What is the complete basis for your statement that Licensee's "decision in April, 1982 to 'defer' construction for two to five years, and subsequent cessation of construction at WNP-1 was dilatory."
8. Please explain fully what you mean by the word "defer" as used in your contention.
9. Please explain fully what you mean by the word "dilatory" as used in your contention.
10. What is the basis for your response to interrogatories 8 and 9?
11. Why do you contend that Licensee has failed to establish good cause for an extension of the WNP-1 construction permit?
12. What are the reasons you believe Licensee offered to NRC in support of a showing of "good cause" as required by 10 C.F.R. §50.55(b)?

13. What is the basis for your response to interrogatory 12?
14. Do you contend that the reasons offered by Licensee to support a showing of good cause are factually incorrect?
15. What is the basis for your response to interrogatory 14?
16. Do you contend that the reasons offered by Licensee to support a showing of good cause are not in fact the reasons why Licensee has requested an extension of its construction permit?
17. If your response to interrogatory 16 is yes, why do you believe that Licensee has (a) sought an extension of its construction permit and (b) deferred construction at WNP-1?
18. What is the basis for your response to interrogatories 16 and 17?
19. What is the basis for your statement that the "modified request for extension of completion date to 1991 does not constitute a 'reasonable period' of time provided for in 10 C.F.R. 50.55(b)?"
20. Please explain fully what you mean by a "reasonable period of time" as used in your contention.
21. What factors do you contend should be considered when determining if a requested construction permit extension is for a "reasonable period of time"?
22. What do you contend would constitute a "reasonable period of time" in the case of WNP-1?

23. What is the basis for your response to interrogatories, 20, 21 and 22?

Respectfully submitted,



Nicholas S. Reynolds
Sanford L. Hartman
DEBEVOISE & LIBERMAN
1200 Seventeenth St., N. W.
Washington, D. C. 20036
202/859-9817

Counsel for Licensee

May 3, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER) Docket No. 50-460-CPA
SUPPLY SYSTEM)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing
"Licensee's First Set of Interrogatories and Requests to
Produce to Intervenor" in the captioned matter were served
upon the following persons by deposit in the United States
mail, first class, postage prepaid this 3rd day of May,
1983:

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

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

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

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

Mitzi A. Young, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

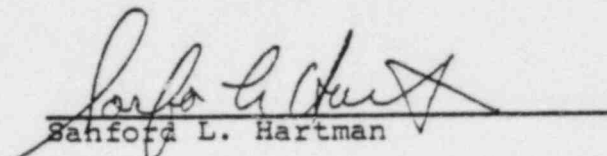
Chairman, Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Gerald C. Sorensen
Manager of Licensing
Washington Public Power
Supply System
3000 George Washington Way
Richland, Washington 99352

Mr. Scott W. Stucky
Docketing & Service Branch
U. S. Nuclear Regulatory
Commission
Washington, D. C. 99352

Nicholas D. Lewis, Chairman
Energy Facility Site
Evaluation Council
State of Washington
Mail Stop PY-11
Olympia, Washington 98504

Mr. Eugene Rosolie
Coalition for Safe Power
Suite 527
408 South West 2nd
Portland, Oregon 97204


Sanford L. Hartman

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
11/20

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ⁷³ MAY 21 P1:34

In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No.50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))

INTERVENOR'S RESPONSES TO NRC STAFF'S FIRST SET OF
INTERROGATORIES

The following interrogatories were answered by Eugene Rosolie and Nina Bell, Director and Staff Intervenor of the Coalition for Safe Power respectively. The answers to these do not identify any new documents not already a part of the record. Intervenor has not yet consulted with any advisors nor identified any potential witnesses.

INTERROGATORY 1: Explain fully the relationship between your statement that the decision to defer construction of WNP-1 for a two-to-five year period was "made upon reviewing the recommendations of the Bonneville Power Administration (BPA), reviewing alternative proposals and taking public comment" and your contention that Permittee's decision to defer construction was "dilatory" and without "good cause."

RESPONSE: "Dilatory", in this instance means intentional. The statement referred to in the interrogatory shows that, in fact, the decision to defer construction was intentional.

INTERROGATORY 2: (a) Is it your position that the Permittee was "dilatory" in not notifying the NRC on or about April 29, 1982 that it was modifying its request for a completion date from 1986 to 1991?

(b) If your answer to Interrogatory No. 2(a) is in the affirmative, explain fully the basis for that statement.

RESPONSE: (a) Yes.

(b) Permittee's response to CFSP Interrogatory No. 10.

INTERROGATORY 3: (a) Is it your position that BPA support is not necessary to the financing of WNP-1?

(b) If your answer to Interrogatory No. 3(a) is in the affirmative, identify and give full details with respect to all information upon which you base that statement.

(c) If your answer to Interrogatory No. 3(a) is in the affirmative, explain fully how the financing of WNP-1 could be accomplished if BPA were to disapprove any further financing of WNP-1 construction.

RESPONSE: It is not clear what the Staff means by "BPA support" in this interrogatory; upon clarification Intervenor will readily answer.

INTERROGATORY 4: Is it your contention that the financial support or lack of financial support by BPA for WNP-1 would have no effect on the financing costs of WNP-1?

RESPONSE: Intervenor objects to this interrogatory. The cost of financing is not an issue in this proceeding as it has not been raised by any party. At no time did the Intervenor contend or set forth as a basis the cost of financing for WNP-1.

INTERROGATORY 5: Is it your contention that the opinion of BPA on the PNVCC (sic) as to when WNP-1 should go into commercial operation, would have no effect on the financing costs of WNP-1?

RESPONSE: Intervenor does not understand this interrogatory but assuming an error in the wording, we object for the reasons outlined in the response to Interrogatory 4, above.

INTERROGATORY 6: (a) Is it your statement that BPA does not have the authority to disapprove any further financing of WNP-1 construction?

(b) If your answer to Interrogatory No. 6(a) is in the affirmative, explain fully the factual basis for that statement.

RESPONSE: (a) Yes.

(b) The BPA has no legal authority to approve or disapprove the sale of bonds for WNP-1. See page 2 of the basis for Intervenor's revised contention No. 2.

INTERROGATORY 7: Is it your contention that there has not been a slowing in growth rate of electric power requirements in the Pacific Northwest?

RESPONSE: Intervenor objects to Interrogatory No. 7 because need for power is not an issue in this proceeding. However, it is clear that the answer is No.

INTERROGATORY 8: Is it your contention that the growth rate of electric power requirements in the Pacific Northwest has stopped or will stop completely before 1991?

RESPONSE: Intervenor objects to this interrogatory; see response to Interrogatory 7.

INTERROGATORY 9: Is it your contention that the growth rate of electric power requirements has no business relationship as to when WNP-1 should go into commercial operation?

RESPONSE: Intervenor objects to this interrogatory because it relates to the operation of WNP-1 not the completion of construction of the actual construction of the project.

INTERROGATORY 10: (a) Is it your statement that the January 11, 1983 letter to H. Denton, Director, NRR, NRC from G.D. Bouchy, WPPSS, does not support Permittee's assertion that a deferred need for power constitutes "good cause" for deferring construction?

(b) If your answer to Interrogatory No. 10(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for your statement.

RESPONSE: (a) Yes.

(b) The plant was determined to be needed in the construction permit proceeding; the NRC has recognized that

need for power is not to be relitigated after the construction permit is granted.

INTERROGATORY 11: (a) Do you contend that a deferred need for power cannot as a matter of law constitute "good cause" under 10 CFR 50.55(b)?

(b) If your answer to Interrogatory No. 11(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for this contention.

RESPONSE: (a) Yes.

(b) See response to Interrogatory No. 10.

INTERROGATORY 12: (a) Do you claim that the actual deferral in the need for power in the Northwest United States does not justify deferring construction of WNP-1?

(b) Explain fully your answer to Interrogatory No. 12(a).

(c) If your answer to Interrogatory No. 12(a) is in the affirmative, state the relevance of your statement that "Petitioner...does not believe the power from WNP-1 will ever be needed?" to your claim that need for power in the Northwest United States does not justify deferring construction of WNP-1.

RESPONSE: Intervenor does not understand what "deferral in the need for power" means but will answer upon clarification.

INTERROGATORY 13: What is the factual basis for your statement that "Petitioner...does not believe the power from WNP-1 will ever be needed"?

RESPONSE: Intervenor objects to this interrogatory for the reasons outlined in the response to interrogatories Nos. 7 and 10 above.

INTERROGATORY 14: Is it your contention that if and when the WNP-1 is completed and ready to operate, it will not be operated because there would be no need for the power?

RESPONSE: Intervenor objects to this interrogatory as the subject is not an issue in the proceeding.

INTERROGATORY 15: What factors do you contend are relevant in assessing whether power from WNP-1 will ever be needed?

RESPONSE: Intervenor objects to this interrogatory; see response to No. 7 above.

INTERROGATORY 16: Explain the factual basis and/or legal authority for your statement that "[s]ix to nine years cannot have been contemplated as a 'reasonable period of time' by the writers of 10 CFR 50.55(b)."

RESPONSE: Intervenor has no factual or legal basis for this statement.

INTERROGATORY 17: What do you contend would be a reasonable period of time for extension of the construction completion date for WNP-1?

RESPONSE: See response to Permittee's Interrogatory No. 20.

INTERROGATORY 18: (a) Identify any and all "requirements of any regulations" promulgated since the date of docketing of the WNP-1 operating license application from which WNP-1 would otherwise be grandfathered by virtue of its date of docketing.

(b) Explain fully how each of the requirements identified in response to Interrogatory No. 18(a) will delay completion of the plant beyond the requested completion date of 1991. Give full details as to the extent to delay attributable to each such requirement.

RESPONSE: Intervenor objects to this interrogatory. The information which is sought is beyond the scope of the admitted contention. The referenced quotation is part of a commitment made by the Permittee to the NRC Staff; they are the parties who are in a position to identify the existence and impact of any future regulations promulgated between the date of docketing of the application for an operating license and the resumption of construction. Intervenor does

not have access to the records necessary and the expertise required to make such a judgement. Moreover, Intervenor cannot anticipate what regulations will be promulgated in the next five years.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nina Bell", is written over a horizontal dashed line.

Dated this day the 24th
of May, 1983.

Nina Bell
Coalition for Safe Power

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'83 MAY 31 P1:

In the Matter of)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460 CPA
et. al.)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "INTERVENOR'S RESPONSES TO NRC STAFF'S FIRST SET OF INTERROGATORIES" in the above captioned proceeding have been served, by deposit in the U.S. Mail, first class postage prepaid on this 24th day of May, 1983, on the following:

Herbert Grossman, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

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Debevoise & Lieberman
1200 17th Street, NW
Washington D.C. 20036

Glen O. Bright
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
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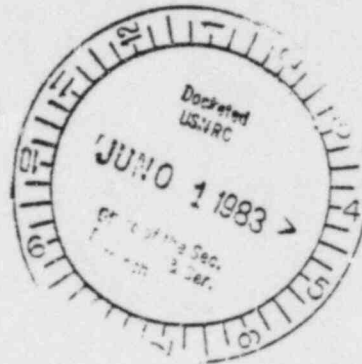
Atomic Safety & Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Docketing & Service
U.S. Nuclear Regulatory Commission
Washington D.C. 20555


Nina Bell, Staff Intervenor
Coalition for Safe Power

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY
AND LICENSING BOARD



In the Matter of)
)
WASHINGTON PUBLIC POWER)
SUPPLY SYSTEM) Docket No. 50-460-CP
)
(WPPSS Nuclear Project No. 1))

LICENSEE'S RESPONSE TO COALITION
FOR SAFE POWER MOTION TO COMPEL

I. Introduction

On April 14, 1983 intervenor served the Washington Public Power Supply System ("Licensee") with its first set of interrogatories. Licensee responded to those interrogatories on May 3, 1983, in which it objected to interrogatories 6, 7, 8, 9, and, in part, interrogatory 10.

On May 18, 1983 intervenor filed a motion to compel Licensee to respond to interrogatories 6, 7, 8 and 9. Pursuant to Section 2.730(c) of the NRC Rules of Practice, Licensee hereby responds to that motion.

II. Response to Motion

Licensee submits that intervenor has fundamentally misunderstood the objections raised to its interrogatories. Clearly, these interrogatories seek information which simply has no bearing on the issues before this Board. Indeed, interrogatories 6, 7, 8 and 9 constitute

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essentially limitless requests for documents involving all aspects of the construction deferral at WNP-1. As such, they are impermissibly broad.

Licensee submits that two elements of NRC practice and procedure warrant this conclusion. First, in Illinois Power Company (Clinton Power Station, Unit 1)¹ the Licensing Board stated, as follows:

Where a contention is made up of a general allegation which, standing alone, would not be admissible under 10 CFR §2.714(b), plus one or more alleged bases for the contention set forth with reasonable specificity, the scope of the matters in controversy raised by such contention are limited by the specific alleged basis or bases set forth in the contention.

This rule is clearly applicable here because, when read in isolation from its supporting basis, petitioner's proposed contention amounts to conclusory assertions with no factual grounding.²

¹ LBP-81-61, 14 NRC 735, 737 (1981).

² Petitioner's single contention is that the Licensee's "decision in April 1982 to defer construction for two to five years, and subsequent cessation of construction at WNP-1 was dilatory. Such action was without good cause as required by 10 CFR 50.55(b). Moreover, the modified request for extension of completion date to 1991 does not constitute a reasonable period of time provided for in 10 CFR 50.55(b)." Washington Public Power Supply System (WPPSS Nuclear Project No. 1), ASLBP No. 82-480-01 CPA, Memorandum and Order (Admitting Intervenor and Contention), March 25, 1983 ("March 25 Memorandum and Order") slip op. at 4.

Second, as set forth in 10 C.F.R. Section 2.740(b)(1), discovery is limited to matters "relevant to the subject matter involved in the proceeding," i.e., contentions admitted by the presiding officer in the proceeding.³ Accordingly, in this proceeding the scope of discovery is limited to matters which are relevant to the single admitted contention. That contention, in turn, is defined by the specific alleged basis or bases set forth by petitioner in its support. As a result, discovery requests must be relevant to the bases set forth by petitioner in support of its contention.

When viewed in light of this basic and well-established precedent, the failure of intervenor's interrogatories 6, 7, 8 and 9 to satisfy the NRC Rules of Practice is self-evident. As reflected in the Board's March 25, 1983 Memorandum and Order, the issues in this proceeding are whether the Licensee intended to delay construction of WNP-1; whether that delay was for good cause; and whether the requested extension of completion date is for a reasonable period of time.⁴ Subsumed in these issues are

³ See Allied General Nuclear Services (Barnwell Fuel Receiving and Storage Station), LBP-77-13, 5 NRC 489, 492 (1977).

⁴ March 25 Memorandum and Order slip op. at 5. Licensee notes that intervenor characterized the issues in this proceeding as "the deferral of WNP-1; was such deferral dilatory; and is the requested extension for a reasonable period of time." Coalition for Safe Power Motion to Compell [sic] Responses to First Set of Interrogatories to Applicant ("motion to
(footnote continued)

a number of allegations made by intervenor which constituted the basis for its contention. These allegations are as follows:

1. Licensee intended to delay construction at WNP-1;
2. Licensee did not establish "good cause" for the construction permit extension because it offered only a "vague, conclusory [sic] and unsubstantiated statement that BPA support is essential to the WPPSS projects;"⁵
3. Six to nine years could not have been contemplated as a "reasonable period of time" within the meaning of 10 C.F.R. Section 50.55(b); and
4. The present completion dates will not be adequate.⁶

The interrogatories to which Licensee objects are not confined to the issues set forth above, which have been raised by intervenor in the contention admitted in this proceeding. Rather, they go well beyond those issues. The hypothetical example provided by intervenor in its motion to compel illustrates this deficiency. Intervenor stated, as follows:

(footnote continued from previous page)
compel"), May 18, 1983 at 2. This simply is inconsistent with the issues identified by the Board set forth above and should not, therefore, serve to delineate the scope of this proceeding or of discovery.

⁵ Coalition for Safe Power Amended Contention No. 2 - February 11, 1983 at 2.

⁶ Id. at 2-4.

[Licensee] also expresses the concern that it would have to supply documents concerning ramp-down actions which have been proposed or taken to prevent possible site or facility degradation during the deferral. While it may be true that such documents "bear on health and safety" they are also relevant to the issues in this proceeding. Issues do not have to be mutually exclusive: a hypothetical example would be if a letter had been written stating that because of questions about the geology of the site, [Licensee] was considering the deferral of WNP-1. The document requested could shed some light on whether or not [Licensee's] actions were dilatory and the extension dates reasonable. For instance, [Licensee] could have been planning a deferral of construction prior to BPA's suggestion to do so. The only way intervenor could discover that fact would be to have an opportunity to view those documents.⁷

In this proceeding no allegation has been made that questions regarding the geology at the WNP-1 site was the real reason why WNP-1 was deferred. Nor has any allegation been made more generally that such deferral was needed for undisclosed health and safety reasons. However, that is precisely what intervenor now suggests in its hypothetical example. As such, this speculation may not provide justification for intervenor to examine without any restraints whatsoever every aspect of the WNP-1

⁷ Motion to compel at 3.

construction deferral, especially given the limited scope of this proceeding and the still narrower scope of intervenors' single contention.

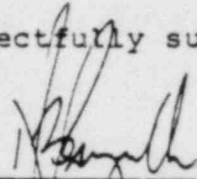
That intervenor misunderstands the nature of Licensee's objections to its interrogatories is also illustrated by its assertion that documents concerning employment levels and contractual obligations have a direct bearing on the completion date for WNP-1 and thus are relevant to this proceeding.⁸ First, documents involving fuel enrichment contacts (for example) have no logical nexus to the issues raised by intervenor in this proceeding, yet they fall within the scope of these objectionable interrogatories. Similarly, materials involving past employment levels at WNP-1 have no bearing on future construction activities at WNP-1 and when plant construction can be completed. Again, however, this information falls within the objectionable interrogatories.⁹

8 Id. at 4.

9 In Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-722, ___ NRC ___ (1983) ("WNP-2") the Appeal Board emphasized the narrow scope of inquiry in a construction permit extension proceeding. It held that "dilatatory conduct in the sense used by the Commission [in CLI-82-29] means the intentional delay of construction without a valid purpose." It added that the "ultimate 'good cause' determination called for by Section 185 of the Atomic Energy Act is whether good cause exists to extend the construction completion date. The statutory focus is not so much (or at least not exclusively) on an applicant's past conduct, but rather on the future." WNP-2, supra, ALAB-722, slip op. at 9 and 13. The Commission declined to review ALAB-722, so it now
(footnote continued)

In short, intervenor simply fails to recognize in its motion to compel the fact that its interrogatories are not in fact limited to the scope of the issues raised in this proceeding but rather seek all documents concerning all aspects of the WNP-1 construction deferral. Accordingly, Licensee urges that the Board deny intervenor's motion to compel.

Respectfully submitted,



Nicholas S. Reynolds
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Counsel for Licensee

June 1, 1983

(footnote continued from previous page)
constitutes final agency action. May 25, 1983 Memorandum from Samuel J. Chilk, Secretary of the Commission to Board and Parties in the WPPSS Project 2 Proceeding. Clearly a broad inquiry into the WNP-1 construction deferral ignores this teaching of WNP-2, supra.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER) Docket Nos. 50-460-CPA
SUPPLY SYSTEM)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Licensee's Response to Coalition for Safe Power Motion to Compel" in the captioned matter were served upon the following persons by express mail, postage prepaid, by hand delivery (*), or by deposit in the United States mail, first class, postage prepaid (**) this 1st day of June, 1983:

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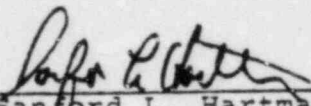
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Portland, Oregon 97204



Sanford L. Hartman

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

^{II}
Young / Wagaer
Gray
Docket No. 50-460CPA Reply du.

June 28, 1983

COALITION FOR SAFE POWER FIRST SET OF INTERROGATORIES
TO NRC STAFF, JUNE 9, 1983.

INTERROGATORY 1: State the full name, address, occupation and employer of each person answering the interrogatories and designate the interrogatory or the part thereof he or she answered.

INTERROGATORY 2: Identify each and every person you are considering calling as a witness in the event a hearing is held in this proceeding and with respect to each of these witnesses:

- a. State the substance of the facts and opinions to which the witness is expected to testify;
- b. Give a summary of the grounds for each opinion; and
- c. Describe the witnesses' educational and professional background.

INTERROGATORY 3: What is the complete basis for your position that Licensee's decision in April, 1982 to 'defer' construction for two to five years, and subsequent cessation of construction at WNP-1 was not "dilatatory."

INTERROGATORY 4: Please explain fully what you mean by the word "defer" .

INTERROGATORY 5: Please explain fully what you mean by the word "dilatatory" .

INTERROGATORY 6: What is the basis for your response to interrogatories 4 and 5?

INTERROGATORY 7: Why do you contend that Licensee has established good cause for an extension of the WNP-1 construction permit? Explain your answer fully.

INTERROGATORY 8: What are the reasons Licensee offered to NRC in support of a showing of "good cause" as required by 10 C.F.R. 50.55(h)?

INTERROGATORY 9: Is it your position that the reasons offered by Licensee to support a showing of good cause are

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in fact the only reasons why Licensee had requested an extension of its construction permit?

INTERROGATORY 10: If your response to Interrogatory 9 is no, state all other reasons.

INTERROGATORY 11 : What is the basis for your response to interrogatories 9 and 10?

INTERROGATORY 12: Please explain fully what you mean by a "reasonable period of time"

INTERROGATORY 13: What factors do you contend should be considered when determining if a requested construction permit extension is for a "reasonable period of time"?

INTERROGATORY 14: What do you contend would constitute a "reasonable period of time" in the case of WNP-1?

INTERROGATORY 15: (a) Is it your position that BPA support is necessary to the financing of WNP-1?

(b) if your answer to Interrogatory No. 15(a) is in the affirmative, identify and give full details with respect to all information upon which you base that statement.

INTERROGATORY 16: Is it your position that the financial support or lack of financial support by BPA for WNP-1 would have an effect on the financing costs of WNP-1?

INTERROGATORY 17: Is it your position that the opinion of BPA as to when WNP-1 should go into commercial operation would have an effect on the financing costs of WNP-1?

INTERROGATORY 18: (a) Is it your belief that BPA has the authority to disapprove any further financing of WNP-1 construction?

(b) If your answer to Interrogatory No. 18(a) is in the affirmative, explain fully the factual basis for that statement.

INTERROGATORY 19: Is it your position that the growth rate of electric power requirements has a business relationship as to when WNP-1 should go into commercial operation?

INTERROGATORY 20: (a) Is it your position that the January 11, 1983 letter to H. Denton, Director, NRR, NRC from G.D. Bouchy, WPPSS, supports Permittee's assertion that a deferred need for power constitutes "good cause" for deferring construction?

(b) If your answer to Interrogatory No. 20(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for your position.

INTERROGATORY 21: (a) Is it your position that a lack of need for power can, as a matter of law, constitute "good

cause" under 10 CFR 50.55(b)?

(b) if your answer to Interrogatory No. 21(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for this position.

INTERROGATORY 22: (a) Does the lack of need for power in the Northwest justify deferring construction of WNP-1?

(b) Explain fully your answer to Interrogatory No. 22(a).

INTERROGATORY 23: Explain the factual basis and/or legal authority which supports the position that six to nine years is a 'reasonable period of time' under 10 CFR 50.55(b).

INTERROGATORY 24: What do you believe would be a (maximum) reasonable period of time for extension of the construction completion date for WNP-1?

INTERROGATORY 25: (a) Identify any and all "requirements of any regulations" promulgated since the date of docketing of the WNP-1 operating license application from which WNP-1 would otherwise be grandfathered by virtue of its date of docketing.

(b) Explain fully how each of the requirements identified in response to Interrogatory No. 25(a) will delay completion of the plant beyond the requested completion date of 1991. Give full details as to the extent to delay attributable to each such requirement.

INTERROGATORY 26: Explain the difference, if any, between deferral, mothball and preservation.

INTERROGATORY 27: To what events is the restart of construction on WNP-1 tied. Explain fully your answer.

INTERROGATORY 28: What would be the effect of default on WNP-4 and 5 on the restart and completion of WNP 1? Provide all probability analyses, scenarios and time predictions.

INTERROGATORY 29: What is the effect of deferral of construction on WNP-3 on the restart and completion of WNP-1? Give the basis for your response.

INTERROGATORY 30: What is the effect of bond ratings on WPPSS ability to finance WNP-1. Explain fully and provide the basis for your response.

INTERROGATORY 31: If a bond rating service refused to rate WPPSS bonds would WPPSS be able to finance the construction of WNP-1? Explain your answer.

INTERROGATORY 32: Is it your position that the Atomic Safety and Licensing Board Initial Decision (LBP-75-72, 2 NRC 922) for the Construction Permit found that the

Bonneville Power Administration had the power to approve or disapprove the issuance of bonds by WPPSS. If yes give the reasons in detail for approval and/or disapproval.

INTERROGATORY 33: Is it your position the ASLB Initial Decision (LBP-75-72, 2 NRC 922) found that BPA could control the construction of WNP-1? If yes, in what manner? Explain in detail the basis for your answer.

INTERROGATORY 34: Is it your position that the original finding by the ASLB in its Initial Decision (LBP-75-72, 2 NRC 922) on WPPSS financing ability remains valid? Explain the basis for your answer in detail.

INTERROGATORY 35: Is it your position that the original finding by the ASLB in its Initial Decision (LBP-75-72, 2 NRC 922) on the need for WNP-1 remains valid? Explain the basis for your answer in detail.

INTERROGATORY 36: Is it your position that the only reason the ASLB found WPPSS financially qualified is because of BPA financial backing?

(a) If yes, explain the basis in detail.

(b) If no, cite all the reasons you believe the finding of financial qualification.

INTERROGATORY 37: What constitutes "good business sense" in decisions on nuclear plant deferral?

INTERROGATORY 38: What constitutes "BPA support"?

INTERROGATORY 39: How is "BPA support" recognized in the Initial Decision (LBP-75-72, 2 NRC 922) on the Construction Permit for WNP-1?

INTERROGATORY 40: Is cost of financing an issue in this proceeding? If so, why?

INTERROGATORY 41: Is need for power an issue in this proceeding? If so, what are the issues which should be litigated with regard to need for power?

INTERROGATORY 42: What is the legal basis for your answer to Interrogatory 41?

INTERROGATORY 43: What, besides the Applicant's representation on the need for WNP-1, does the Staff rely upon for its position on the need for the plant?

INTERROGATORY 44: Was the construction of WNP-3 (Satsop) halted because of no need for its power?

(a) If so, how does this affect the five-year deferral of WNP-1?

(b) If not, what were the reasons and how will they affect the deferral of WNP-1?

INTERROGATORY 45: Is the ultimate cost of power from WNP-1 a factor in the need for the plant? Should it be a factor in the business decisions affecting continued construction?

INTERROGATORY 46: What is the Staff's position on the relationship between time and the deterioration of partially constructed facilities and equipment? Provide the basis for this position.

INTERROGATORY 47: What is the difference between BPA withholding approval for financing and BPA disapproving of financing?

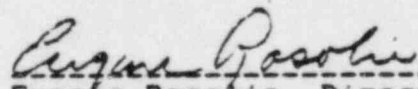
INTERROGATORY 48: What level of staffing is necessary at WNP-1 to maintain the construction site and equipment without deterioration ?

INTERROGATORY 49: Is it your position that the only obstacle to financing of the WNP-1 was/is the BPA recommendation?

INTERROGATORY 50: Do you agree that the passage of Washington Initiative 395 affected the ability of WPPSS to issue bonds? Explain your answer fully giving the basis and identify all documents relied upon.

Respectfully submitted,

Dated this day, the 9th
of June, 1983.



Eugene Rosolie, Director
Coalition for Safe Power

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-4666RA
et. al.)
)
(WPPSS Nuclear Project No. 1))

CFSP RESPONSE TO LICENSEE'S MOTION TO COMPEL

On May 3, 1983, the Washington Public Power Supply System (Licensee) served the intervenor with Licensee's First set of Interrogatories and Request to Produce. Intervenor responded to the discovery request on May 23. Licensee filed a motion to compel on June 7. Following is the response of Intervenor to that motion.

Intervenor does not necessarily agree with Licensee's view as to the adequacy of its responses. However, Intervenor has supplied an updated response to Licensee's First Set of Interrogatories. These updated responses have taken into account Licensee's views as stated in its June 7th motion to compel.

Therefore Licensee concerns have been addressed thus negating the necessity of the Board to rule on this matter.

Respectfully submitted

Eugene Rosolie

Eugene Rosolie

Coalition For Safe Power

dated this day the 22nd
of June, 1983.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))

COALITION FOR SAFE POWER UPDATED RESPONSES TO APPLICANT'S
FIRST SET OF INTERROGATORIES DATED MAY 3, 1983

INTERROGATORY 7: What is the complete basis for your statement that licensee's "decision in April, 1982 to 'defer' construction for two to five years, and subsequent cessation of construction at WNP-1 was dilatory."

RESPONSE: "Analysis of Alternatives Related to WNP-3", May 26, 1983, Bonneville Power Administration. "WPPSS studies construction halt at plant No.3", March 24, 1982, Oregonian, Portland, Oregon.

INTERROGATORY 8: Please explain fully what you mean by the word "defer" as used in your contention.

RESPONSE: Intervenor has used defer in its contention to mean "put off". When Intervenor stated that it believed it means "a permanent halt" Intervenor was referring to the meaning as seen by Licensee and others.

INTERROGATORY 11: Why do you contend that Licensee has failed to establish good cause for an extension of the WNP-1 construction permit?

RESPONSE: See response to interrogatory 17 dated May 23, 1983 and the updated response contained herein.

INTERROGATORY 13: What is the basis for your response to interrogatory 12?

RESPONSE: Letter to Harold Denton, Office of NRR/NRC, from G.D. Bouchey, Deputy Director, WPPSS dated April 30, 1982.

INTERROGATORY 14: Do you contend that the reasons offered by licensee to support a showing of good cause are factually incorrect?

RESPONSE: Intervenor believes there is a difference between reasons offered and the reasons why a deferral was/is being sought by Licensee. This interrogatory we feel just speaks to the reasons offered by Licensee to the NRC which to the best of our knowledge are contained in the April 30, 1982 letter to Denton, NRC from Bouchey, WPPSS.

Intervenor has interrupted that letter as stating that WNP-1 was deferred based on a recommendation by the BPA. As stated previously Intervenor does concede that BPA did make a recommendation. However, as stated in response to Interrogatory 17 other reasons exist for the deferral of WNP-1.

INTERROGATORY 15: What is the basis for your response to interrogatory 14?

RESPONSE: Filings made in the above captioned proceeding. See response to interrogatory 18.

INTERROGATORY 17: If your response to interrogatory 16 is yes, why do you believe that licensee has (a) sought an extension of its construction permit and (b) deferred construction at WNP-1?

RESPONSE: As to why Licensee is seeking an extension of its construction permit Intervenor does not know .

Intervenor believes that Licensee deferred WNP-1 in part due to the requirement of Washington State Energy Financing Voter Approval Act which became law in July, 1982.

INTERROGATORY 18: What is the basis for your response to interrogatories 16 and 17?

RESPONSE: "Hanford plants should be finished", Jerry

Pavletich, President, Northwest Steelhead and Salmon Council, April 18, 1982, Tri-City Herald, Pasco, Washington. "No. 1 should be No. 1", Editorial, April 18, 1982, Tri-City Herald, Pasco, Washington. "BPA defends N-plant decision", April 21, 1982, Oregon Journal, Portland Oregon. "Washington State Energy Financing Voter Approval Act: Cost Effectiveness Study of WNP-2 and WNP-3", Applied Economics Associates, Inc. "Information Bulletin: On Preliminary Cost-Effectiveness Study on Washington Public Power Supply System Plants", November 22, 1982, Secretary of State, Washington.

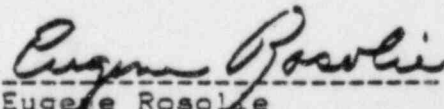
INTERROGATORY 19: What is the basis for your statement that the "modified request for extension of completion date to 1991 does not constitute a 'reasonable period of time provided for in 10 CFR 50.55(b)?"

RESPONSE: "Analysis Of Alternatives Related to WNP-3", May 26, 1983, SPA, p.40.

INTERROGATORY 23: What is the basis for your response to interrogatories 20, 21, and 22?

RESPONSE: Intervenor basis is contained in its basis for its contention and "Analysis of Alternatives Related to WNP-3", BPA. Intervenor is currently reseaching legal cases to provide legal support for its position and will again update its response.

Respectfully submitted,


Eugene Rosolie
Coalition For Safe Power

dated this day the 22nd
of June, 1983.



STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

Eugene Rosolie, being duly sworn, deposes and says:
That he is the Director, of the Coalition For Safe Power,
and that he believes the contents of the foregoing Coalition
For Safe Power Updated Responses to Applicant's First Set of
Interrogatories Dated May 3, 1983 are true and correct to
the best of his information, knowledge and belief.

Eugene Rosolie

Sworn to and subscribed before me
on this 27th day of June, 1983.

Janice L. DeFrix
Notary Public for Oregon
My commission expires: 8/30/86

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)

WASHINGTON PUBLIC POWER SUPPLY SYSTEM
et. al.)

(WPPSS Nuclear Project No. 1))

Docket No. 50-460-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of "CFSP RESPONSE TO LICENSEE'S MOTION TO COMPEL" and "COALITION FOR SAFE POWER UPDATED RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES, DATED MAY 3, 1983" in the above captioned matter were served upon the following persons by deposit in the United States mail, first class, postage prepaid this 22nd day of June, 1983:

Herbert Grossman, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Nicholas Reynolds
Debevoise & Lieberman
1200 17th Street, NW
Washington D.C. 20036

Glen O. Bright
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Mitzi Young
Counsel for NRC Staff
Office of Exec. Legal Director
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Gerald Sorenson, Manager
Licensing Program
WPPSS
300 G. Washington Way
Richland, WA 99352

State of Washington
Energy Facility Site Evaluation
Council Mail Stop PY-11
Olympia, WA 98504

Atomic Safety & Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Docketing & Service
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Nina Bell, Staff Intervenor
Coalition for Safe Power

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8306300127 DJC.DATE: 83/06/28 NOTARIZED: NO DOCKET #
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 AUTH.NAME AUTHOR AFFILIATION
 GROSSMAN, H. Atomic Safety and Licensing Board Panel
 RECIPIENT NAME RECIPIENT AFFILIATION
 Coalition for Safe Power

SUBJECT: Memorandum & order granting Coalition for Safe Power 830523
 motion to compel answers to Interrogatories 6, 7, 8 & 9. Info
 sought reasonably calculated to lead to discovery of
 admissible evidence.

DISTRIBUTION CODE: DS02S COPIES RECEIVED: LTR 1 ENCL 0 SIZE: 4
 TITLE: Non - Antitrust Issuances

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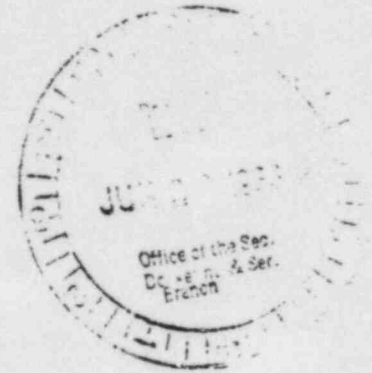
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INTERNAL:	ASLAP	5 5	ASLB 01	1 1
	ELU/PSB	1 1	GC	1 1
	PA	1 1	RGNS	1 1
EXTERNAL:	LPDR	1 1	NRC PDR	1 1
	NTIS	1 1		

TOTAL NUMBER OF COPIES REQUIRED: LTR 16 ENCL 0
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour



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

Docket No. 50-460-CPA

(ASLBP No. 83-485-02-CPA)

June 28, 1983

MEMORANDUM AND ORDER
(Granting Intervenor's Motion to Compel)

MEMORANDUM

On April 14, 1983, Intervenor, the Coalition for Safe Power (CSP), served its first set of interrogatories upon Applicant, containing ten interrogatories. Applicant objected to Interrogatories 6, 7, 8, and 9, and to a portion of Interrogatory No. 10. On May 23, 1983, CSP moved to compel answers to Interrogatories 6, 7, 8, and 9. Applicant responded to the motion to compel on June 1, 1983.

We grant Intervenor's motion.

Interrogatories 6, 7, and 8 request documents "concerning the delay of WNP-1" or minutes of meetings at which the "delay of WNP-1 was discussed." Interrogatory 9 requests documents related to "all options considered by WPPSS for WNP-1 between April 23 and 29, 1983."

WPPSS objects to these interrogatories on the ground that the discovery sought is not relevant to the subject matter involved in the proceeding. Licensee's response, June 1, 1983, at 3. WPPSS appears to take the position that the mere presence of matters beyond the scope of the proceeding in the requested documents makes these documents non-discoverable. Id. at 5-6.

We cannot accept this proposition. The focus of our inquiry into whether the material is discoverable is not on whether it contains matters beyond the scope of the proceeding but on whether "the information sought [also] appears reasonably calculated to lead to the discovery of admissible evidence." 10 C.F.R. § 2.740(b)(1). If the documents were to fit that description but also contain privileged information not reasonably calculated to lead to the discovery of admissible evidence, perhaps the Board would consider limiting Intervenor's discovery on that basis. However, WPPSS has asserted no privilege.

Since Intervenor's interrogatories all relate directly to either the delay of WNP-1 or to other options considered for WNP-1, the information sought appears to be not only reasonably calculated to lead to

the discovery of admissible evidence but also necessary for Intervenor to prepare its case. Intervenor could hardly attempt to develop its contentions that WPPSS' actions and delaying construction were dilatory and without "good cause", and that the requested extension is not for a reasonable period of time, without fully understanding the reasons for the delay in construction. The possible presence of extraneous matters in these documents cannot influence our decision.

Nevertheless, the Board sees one area that should be excluded from this discovery if it had not already been so contemplated by the parties. As written, these interrogatories could be interpreted as covering documents concerning the originally-requested extension of construction completion date. At the prehearing conference, Intervenor conceded that WPPSS had not intentionally delayed construction so as to necessitate the originally-requested extension of construction completion date (Tr. 58-9), and the Board denied the aspects of Intervenor's contentions that did not relate to the contemplated 2-5 year period of cessation of construction activities added on to the original requested period extension (Memorandum and Order, March 25, 1983, at 3-4; see also Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-722, 17 NRC ____ (April 11, 1983).

In accordance with our March 25, 1983 Memorandum and Order and ALAB-722, we rule out from discovery those documents relating only to

the originally requested extension and which have no relation to the subsequent request for the additional 2-5 year extension.


ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 28th day of June, 1983,

ORDERED,

That Intervenor's motion to compel responses to the first set of interrogatories to Applicant is granted and that Applicant may exclude from the documents sought only those documents relating exclusively to the originally-requested extension that are unrelated to the subsequently requested 2-5 year additional extension.

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8307050178 DOC. DATE: 83/07/01 NOTARIZED: NO DOCKET #
 FACIL: 50-460 WPPSS Nuclear Project, Unit 1, Washington Public Powe 05000460
 AUTH. NAME AUTHOR AFFILIATION
 GROSSMAN, H. Atomic Safety and Licensing Board Panel
 RECIP. NAME RECIPIENT AFFILIATION
 Washington Public Power Supply System

SUBJECT: Memorandum & order denying util 830607 motion to compel further answers from Coalition for Safe Power to util 830503 first set of interrogatories. Motion moot since Coalition filed response on 830622.

DISTRIBUTION CODE: DS029 COPIES RECEIVED: LTR 1 ENCL 2 SIZE: 2
 TITLE: Non - Antitrust Issuances

NOTES:

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	PA	1	RGNS	1
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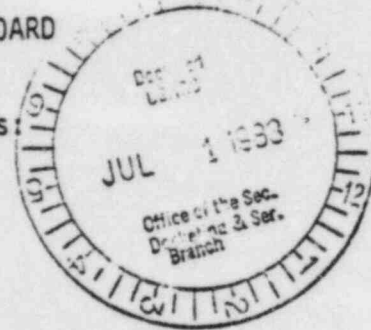
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour



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

Docket No. 50-460-CPA
(ASLBP No. 83-485-02 CPA)
July 1, 1983

MEMORANDUM AND ORDER
(Denying Applicant's Motion
to Compel)

MEMORANDUM

On May 3, 1983, Applicant, the Washington Public Power Supply System (WPPSS), served a first set of interrogatories on Intervenor, the Coalition for Safe Power (CSP). CSP filed answers on May 23, 1983. On June 7, 1983, Applicant filed a motion to compel further answers to Interrogatories 7, 8, 11, 13, 14, 15, 18, 19 and 23. On June 22, 1983, CSP filed a response to Applicant's motion to compel, which supplemented the disputed answers and committed CSP to further updating its response.

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Taking into account CSP's lack of first hand knowledge of the facts surrounding the decision to delay construction and the embryonic stage of discovery, CSP's supplementary answers and its commitment to further update seem to be as full responses as can be expected. Applicant's motion appears to have been satisfied.

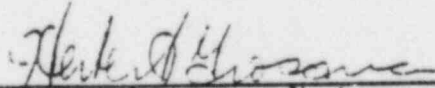
ORDER

For all of the foregoing reasons, it is this 1st day of July, 1983

ORDERED,

That Applicant's motion to compel is denied as moot.

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

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 FACIL:50-460 WPPSS Nuclear Project, Unit 1, Washington Public Powe 05000460
 AUTH.NAME AUTHOR AFFILIATION
 BELL,N. Coalition for Safe Power
 RECIPI.NAME RECIPIENT AFFILIATION
 Washington Public Power Supply System

SUBJECT: Third set of interrogatories. Related correspondence.

DISTRIBUTION CODE: DS033 COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 2+11
 TITLE: Filings (Not via by NRC)

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INTERNAL:	ASLAP	5 5	ASLJ 01	1 1
	ELD/PSB	1 1	GC	1 1
	PA	1 1	RGHS	1 1
EXTERNAL:	LPCR	1 1	NRC PDR	1 1
	NTIS	1 1		

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

JUL 13 1983

In the Matter of)

WASHINGTON PUBLIC POWER SUPPLY SYSTEM)
et. al.)

Docket No. 50-460CPA

(WPPSS Nuclear Project No. 1))

COALITION FOR SAFE POWER THIRD SET OF INTERROGATORIES
TO APPLICANT, JULY 13, 1983.

Pursuant to Commission rules, 10 C.F.R. 2.740b and 10 CFR 2.741, intervenor Coalition for Safe Power hereby requests that the Applicant answer each of the following interrogatories separately and fully in writing and under oath, and to produce the documents as requested. In answering these interrogatories, applicants is requested to furnish all information available to applicant, however obtained, including hearsay, and including information known by or in the possession of applicant's employees, agents and attorneys or appearing in applicant's records.

If unable to answer the following interrogatories in full after exercising due diligence to do so, so state and answer to the extent possible, specifying the inability to answer the remainder, stating whatever information or knowledge is had concerning the unanswered portion and describing the efforts to secure the unknown information.

Information sought by these interrogatories obtained after service of answers shall be disclosed to the intervenors by supplementary or amended answers within a reasonable time after such information is obtained, as

required by 10 CFR 2.740(e).

In each response, identify any documents used in answering the interrogatory. As used herein, the term "documents" means all writings of every kind, both originals and copies, including but not limited to, correspondence, letters, memoranda, notes, reports, papers, studies, analyses, surveys, test results, books, records, contracts or agreements, telegrams and other communications sent or received, transcripts of meetings, hearings or statements, computer printouts, maps, charts, graphs, drawings, tables, calculations and computations, and printed or published matter. The term "documents" also includes voice recordings, films, tapes, photographs and other data compilations from which information can be obtained, including materials used in data processing.

INTERROGATORY 1: State the full name, address, occupation and employer of each person answering the interrogatories and designate the interrogatory or the part thereof he or she answered.

INTERROGATORY 2: Provide a list of and make available all documents received by the Applicant from the Bonneville Power Administration (BPA) from January 1, 1981 to the present regarding the anticipated cessation and actual cessation of construction activity at WNP-1, including the placing of the project in a mothballed, deferred or preserved state.

INTERROGATORY 3: Provide a list of and make available for inspection and copying all documents provided by Applicant to the BPA from January 1, 1981 to the present regarding the anticipated cessation and actual cessation of construction activity at WNP-1, including the placing of the project in a mothballed, deferred or preserved state.

INTERROGATORY 4: What are the "current conditions" referred to by Licensee in its response to Intervenor's Second Set of Interrogatories, Nos. 14 and 24, which affect the determination that an extension to 1991 is for a "reasonable period of time"? Provide this information in a list format, with the greatest specificity possible and refer to all the documents which are relied upon as a basis for each condition.

INTERROGATORY 5: Provide all materials and documents used by the BPA to prepare the "Analysis of Alternatives Related to WNP-3, May 26, 1983" by the BPA (hereinafter referred to as the WNP-3 Decision Document) which bear in any way upon the deferral of construction on WNP-1.

INTERROGATORY 6: Provide all materials and documents used by the BPA to prepare the "Analysis of Resource Alternatives" dated April 19, 1982 by the BPA (hereinafter referred to as the WNP-1 Decision Document).

INTERROGATORY 7: Explain why the Applicant believes need for power and financing are not issues to be considered in this proceeding taking into account item 6 on page 2 of Applicant's letter dated January 11, 1983 requesting an extension for the completion date for WNP-1 (and used subsequently as the basis for the NRC Staff SER and Order, dated June 16, 1983) which states: "recommendations of the BPA to WPPSS that the construction on WNP-1 be delayed for an additional period of two to five years (beyond June 1, 1986) due to load/response/balance/changes and economic factors identified in the BPA's report 'Analysis of Resource Alternatives' dated April 19, 1982." (emphasis added).

INTERROGATORY 8: Identify what obstacles exist to financing for WNP-1 including any or all elements of the BPA recommendation, how such obstacles prevent financing, the anticipated time for each obstacle to be overcome, and what must occur for each obstacle to be overcome. Explain how all obstacles will be overcome in a "two to five year" period following the date of cessation of construction.

INTERROGATORY 9: Which of the scenarios presented in Table III.C.1 of the WNP-3 Decision Document was chosen in July 9, 1983 by the WPPSS Executive Board/Participants Committee/WPPSS Board of Directors?

INTERROGATORY 10: Does the Applicant believe that the restart of construction of WNP-1 is tied in any way to the

IMAGE EVALUATION
TEST TARGET (MT-3)

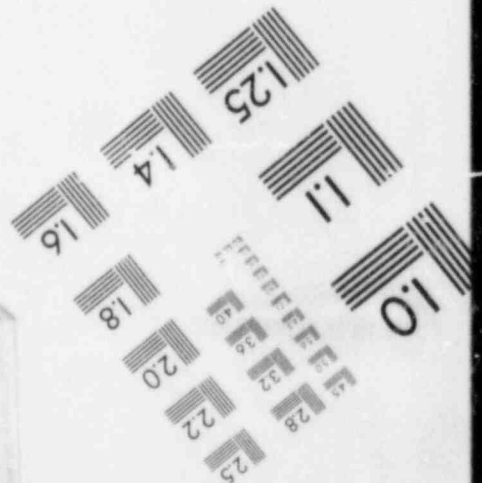
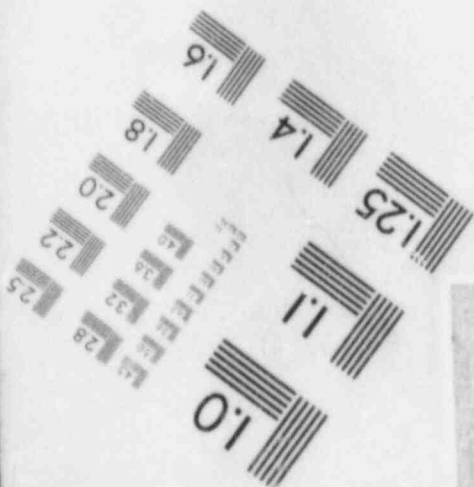
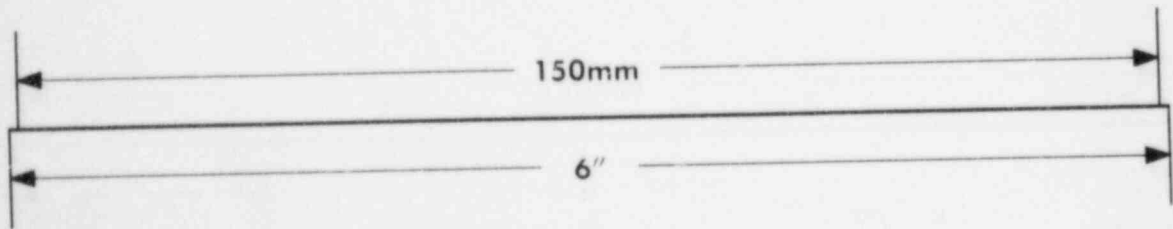
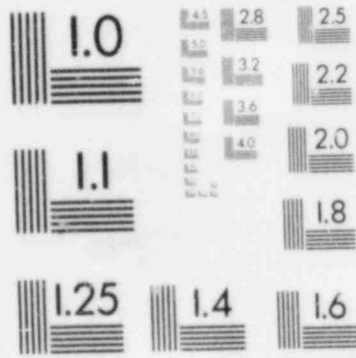
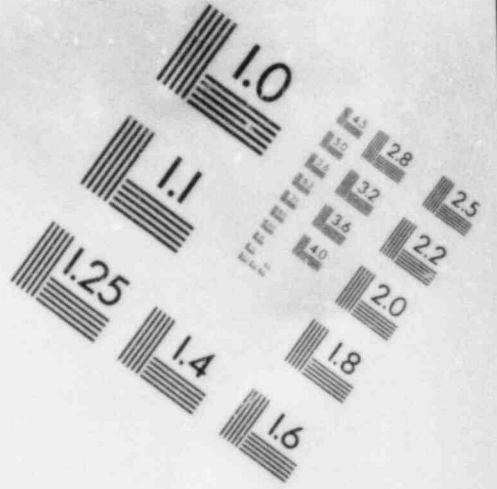
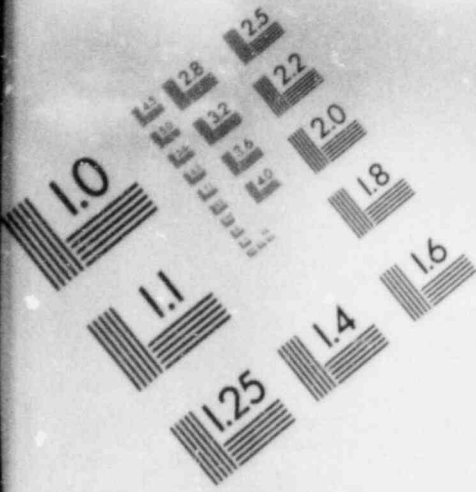


IMAGE EVALUATION
TEST TARGET (MT-3)

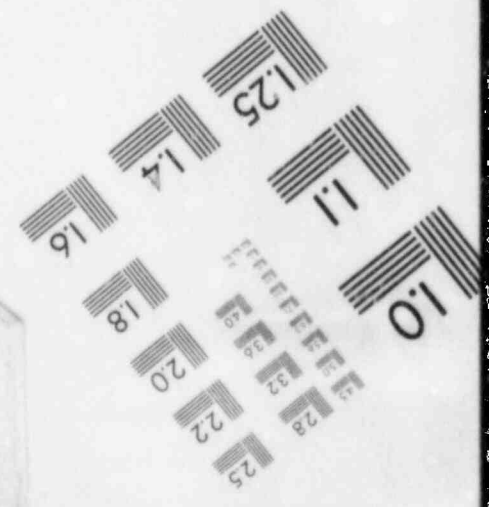
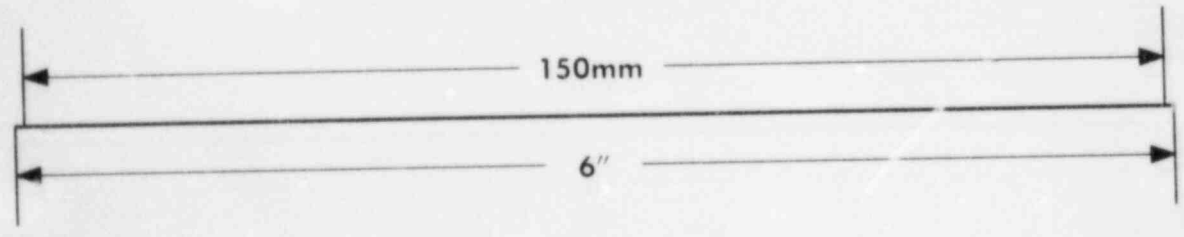
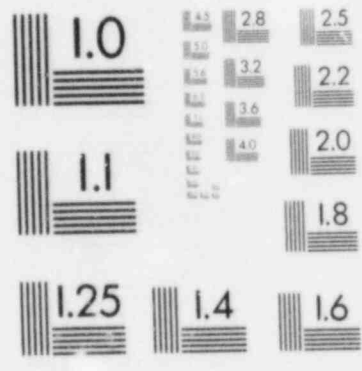
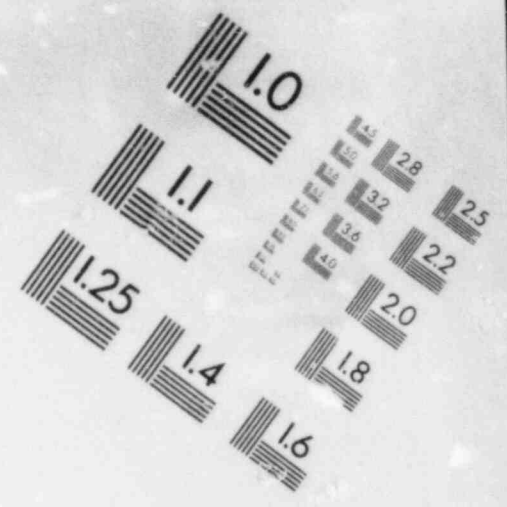
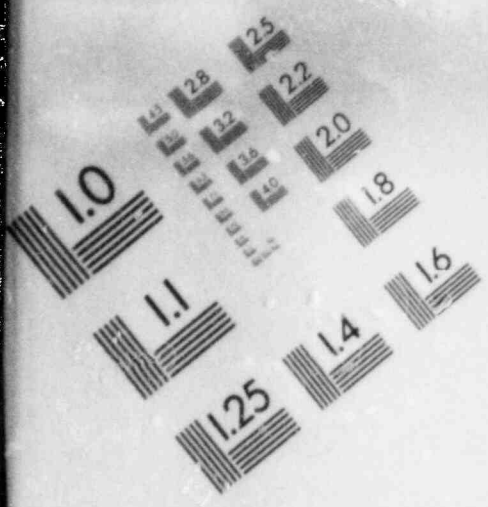
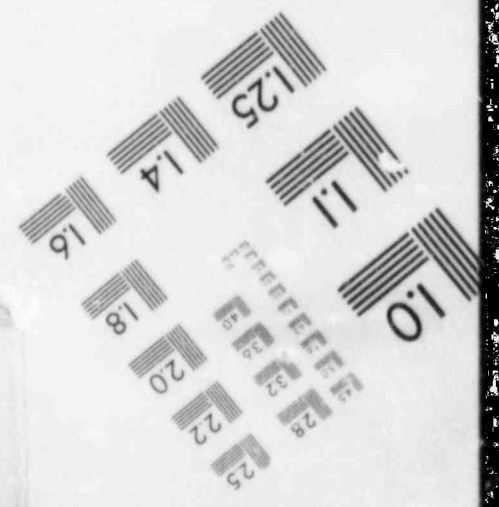
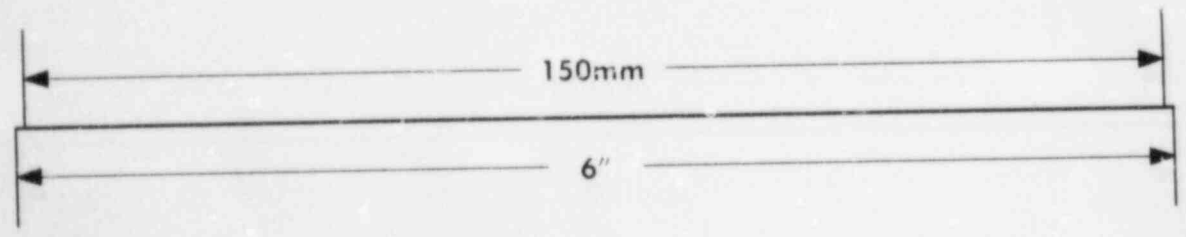
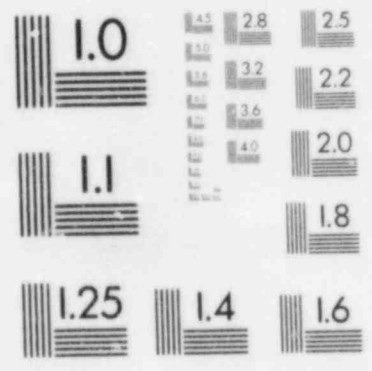
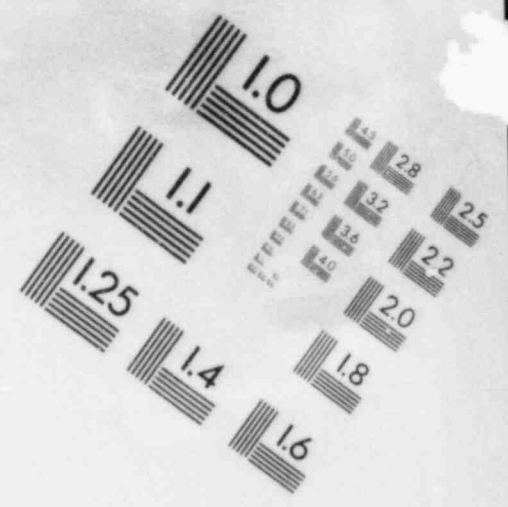
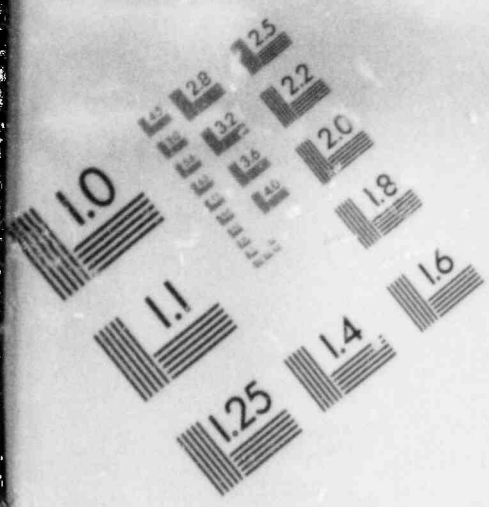


IMAGE EVALUATION
TEST TARGET (MT-3)



use of BPA revenues for any of the net-billed projects?
Does BPA believe that the restart of construction of WNP-1 is tied in any way to the use of BPA revenues for any of the net-billed projects? If so, provide the legal basis for use of such funds.

INTERROGATORY 11: If the answer to Interrogatory 10 above is yes and the answer to Interrogatory 9 above is scenario 2a, 2e or 2f, what impact would Applicant anticipate on the restart of construction of WNP-1 from a ruling that use of BPA revenues for construction or rampdown was illegal, including the effects on the rampdown or construction of WNP-3?

INTERROGATORY 12: BPA states in the WNP-3 Decision Document that the restart of construction of WNP-1 is tied to the restart of construction of WNP-3. Does Applicant agree or disagree with this position? Explain fully and provide the basis for the response.

INTERROGATORY 13: What effect would there be on the restart of construction of WNP-1 if it were determined that there had been a misallocation of funds on the WNP-1/4 projects such that such funds would have to be repaid to the WNP-4/5 Participants by WPPSS?

INTERROGATORY 14: Taking into consideration the statements in the WNP-3 Decision Document that deferral of

construction of WNP-3 for a minimum of three years will lead invariably to an additional deferral of WNP-1 for 2 to 7 years (for a total of 5 to 12 years) and the fact that WPPSS deferred construction of WNP-3 for "three years" on July 8, 1983 what is the basis for Applicant's statements to the NRC that the deferral of WNP-1 is for 2 to 5 years? What is Applicant's basis for claiming that 2 to 5 years is a "reasonable period of time"? Does Applicant contemplate an amendment to their current application for a construction permit extension? If not, why not? Provide all documents related to the responses in this interrogatory including internal memoranda, notes, minutes etc.

INTERROGATORY 15: Does the Applicant disagree with the results of the "WNP-1 vs. WNP-3 Restart Sensitivity Analysis" presented in Table IV.K.1 of the WNP-3 Decision Document which concludes that a restart of WNP-3 is preferred to WNP-1? If so, what specific considerations does Applicant consider are wrong, and in what way?

INTERROGATORY 16: Upon what factors does the restart of construction of WNP-3 rely? What obstacles exist? When, and how are these obstacles expected to be overcome?


INTERROGATORY 17: Provide the minutes of all meetings of the WPPSS Board of Directors at which the delay of WNP-1 was discussed.

INTERROGATORY 18: Provide the minutes of all meetings of the WNP-3 Participants Committee at which the delay of WNP-1 was discussed.

INTERROGATORY 19: Does the Applicant agree or disagree with the statement by the NRC Staff in its response to Intervenor's First Set of Interrogatories, No. 41, that: "Need for power has some significance in this proceeding only because it has been raised as among the reasons for the BPA recommendation to defer construction. The Permittee offers the BPA recommendation as one of the factors constituting "good cause" to extend the plant completion date."? Explain fully your response.

Respectfully submitted,

Dated this day, the 13th of July, 1983.



Nina Bell
Coalition for Safe Power

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-460CPA



COALITION FOR SAFE POWER MOTION TO COMPEL ANSWERS TO SECOND SET OF INTERROGATORIES TO APPLICANT, JULY 13, 1983.

The Coalition for Safe Power, intervenor in the above-captioned proceeding served copies of its second set of interrogatories on Applicant on June 9, 1983. Applicant responded on June 28, 1983 and objected to interrogatories 19, 21, 22, 25, 27, 28, 31, 32, 33, 34, 35, 38, 42, 43, 44, 45, and 47.

Intervenor hereby moves for an Order causing Applicant to respond to interrogatories 25, 27, 28, 31, 32, 35, 38, and 42 and to respond more fully to interrogatories 26 and 50 for which inadequate responses were provided.

1. Interrogatories 31, 32, 35, and 38 refer to the ASLB Initial Decision (LBP-75-72, 2 NRC 922) upon which the construction permit for the WNP-1 was issued, the role of the BPA and how it was established in the ASLB decision. Applicant relies upon the BPA recommendation as the basis for the additional extension request at issue in this proceeding. The interrogatories as they seek to establish the legal basis for Applicant's reliance on the BPA recommendation concern issues which are properly discoverable.

2. Interrogatory 25 seeks to discover the difference between three terms which have been used by Applicant and the BPA to

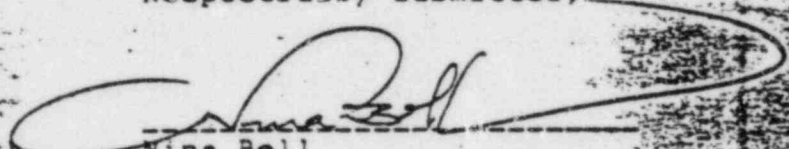
describe the states in which the WNP-1 and WNP-3 plants have been placed. Intervenor is not attempting to raise health and safety issues by this request but only seeking to discover the meaning of terms used by the parties and their agents in the news media and public documents.

3. Applicant objects to interrogatories 27, 28 and 42 stating that the effect of other of Applicant's projects on the deferral of WNP-1 is irrelevant. The WNP-3 Decision Document establishes that the restart of construction of WNP-1 is inevitably and incontrovertably tied to the restart of construction of WNP-3. See e.g. pages 40, 75, 23. The WNP-3 Decision Document also establishes that the potential default on WNP-4/5 and other events surrounding these terminated units (e.g. contractors claims on 4 and 5) will affect the continued construction of WNP-3 and WNP-1. See eg. pages 2, 3, 21. This material is properly discoverable as the basis for a showing of "good cause" which ALAB-722 defines as "encompass[ing] a judgement about why the plant should be complete and is not to rest solely upon a judgement as to the applicants fault for delay." ALAB 722 goes on to say " A judgement must still be made as to whether continued construction should nonetheless be allowed."

4. Intervenor further moves that the Applicant be ordered to respond fully to interrogatories 26 and 50 because the provided responses were inadequate and lacking in substance entirely. Regarding interrogatory 26, Applicant should "explain fully the answer", showing how each factor identified affects the restart of construction of WNP-1 and how the decision will be made for each.

Interrogatory 50 addresses the ongoing question of the constitutionality of Washington State Initiative 394 which has serious implications according to the WNP-3 Decision Document. Applicant fails entirely to provide a basis for its response as requested in the face of the interrogatory.

Respectfully submitted,

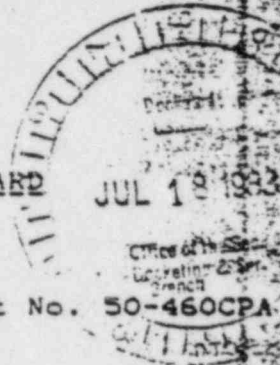


Dated this day, the 13th
of July, 1983.

Nina Bell
Coalition for Safe Power

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))

INTERVENOR'S UPDATED RESPONSES TO NRC STAFF'S FIRST SET OF INTERROGATORIES, JULY 13, 1983.

INTERROGATORY 7: Is it your contention that there has not been a slowing in growth rate of electric power requirements in the Pacific Northwest?

RESPONSE: No. Intervenor hereby retracts the response provided on May 24, 1983.

INTERROGATORY 8: Is it your contention that the growth rate of electric power requirements in the Pacific Northwest has stopped or will stop completely before 1991?

RESPONSE: No.

INTERROGATORY 10(b): If your answer to Interrogatory No. 10(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for your statement.

RESPONSE: Intervenor hereby retracts the response provided on May 24, 1983.

The factual bases identified by the intervenor at this date are: the "Northwest Conservation and Electric Power Plan", Volume I, April 27, 1983 by the Northwest Power Planning Council, Table 6-1, the "Analysis of Alternatives Related to WNP-3", May 26, 1983 by the Bonneville Power Administration, the "Model Electric Power and Conservation Plan for the Pacific Northwest", November 1982 by the Northwest Conservation Act Coalition (page 28) and conversations with Jim Lazar, energy economist (317 E. 17th,

Olympia, WA 98501) on or about June 10, 1983.

The legal basis identified by the intervenor to date is ALAB-722.

INTERROGATORY 11(b): If your answer to Interrogatory No. 11(a) is in the affirmative, set forth and explain fully the factual basis or legal authority for this contention.

RESPONSE: ALAB-722 establishes that the "ultimate 'good cause' determination is expected to encompass a judgement about why the plant should be completed and is not to rest solely upon a judgement as the applicant's fault for delay", "whether good cause exists to extend the construction completion date" and that "a judgement must still be made as to whether continued construction should nonetheless be allowed." The Appeals Board also discusses the temporary lack of need for power and lack of financing as factors which cause delay with valid business purposes. Intervenor sees a distinction between a "deferral" of need and a temporary lack of need or slowing of growth rate, with the former a more suitable description of the instant case.

INTERROGATORY 12: (a) Do you claim that the actual deferral in the need for power in the Northwest United States does not justify deferring construction of WNP-1?

(b) Explain fully your answer to Interrogatory No. 12(a).

(c) If your answer to Interrogatory No. 12(a) is in the affirmative, state the relevance of your statement that "Petitioner...does not believe the power from WNP-1 will ever be needed" to your claim that need for power in the Northwest United States does not justify deferring construction of WNP-1.

RESPONSE: (a) Yes. (b) The "deferral of need" justifies cancellation of the project not a deferral of construction. (c) If there is never a need for the plant, the plant should be cancelled, not deferred, because a plant's principle purpose is to provide needed electricity. The basis for the NRC's decision to grant WNP-1 a construction permit has proven to be totally

without validity. Furthermore, continued construction of WNP-1 might bankrupt the region.

INTERROGATORY 13: What is the factual basis for your statement that "Petitioner...does not believe the power from WNP-1 will ever be needed"?

RESPONSE: The "Northwest Conservation and Electric Power Plan", Volume I, April 27, 1983 by the Northwest Power Planning Council, Table 6-1, and the "Model Electric Power and Conservation Plan for the Pacific Northwest", November 1982 by the Northwest Conservation Act Coalition (page 28)

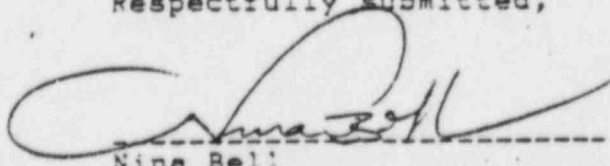
INTERROGATORY 14: Is it your contention that if and when the WNP-1 is completed and ready to operate, it will not be operated because there would be no need for the power?

RESPONSE: Yes.

INTERROGATORY 15: What factors do you contend are relevant in assessing whether power from WNP-1 will ever be needed?

RESPONSE: The factors listed in the "Northwest Conservation and Electric Power Plan", Volume I, April 27, 1983 by the Northwest Power Planning Council, the "Analysis of Alternatives Related to WNP-3", May 26, 1983 by the Bonneville Power Administration, the "Model Electric Power and Conservation Plan for the Pacific Northwest", November 1982 by the Northwest Conservation Act Coalition, and the "Analysis of Resource Alternatives" dated April 19, 1982 by BPA.

Respectfully submitted,



Dated this day, the 13th
of July, 1983.

Nina Bell
Coalition for Safe Power.

STATE OF OREGON)
) ss.
County of Multnomah)

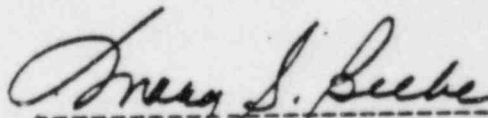
Nina Bell, being duly sworn, deposes and says:
That she is the Staff Intervenor of the Coalition for Safe
Power, and that the contents of "INTERVENOR'S UPDATED
RESPONSES TO NRC STAFF'S FIRST SET OF INTERROGATORIES, JULY
13, 1983" and "INTERVENOR'S UPDATED RESPONSES TO APPLICANT'S
FIRST SET OF INTERROGATORIES, JULY 13, 1983" are true and
correct to the best of her information, knowledge and
belief. All responses therein were prepared by herself and
Eugene Rosolie

Signed:



Nina Bell
Coalition for Safe Power

SUBSCRIBED AND SWORN to before me this 14th day of
July, 1983.

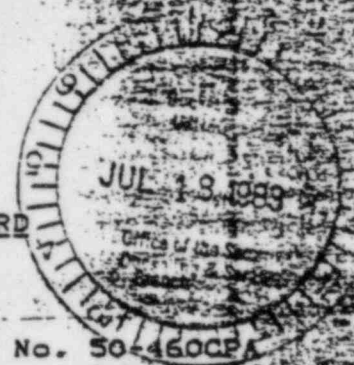


Notary Public for Oregon
My Commission Expires: 4-16-86

RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))



INTERVENOR'S SECOND UPDATED RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES, JULY 13, 1983.

INTERROGATORY 11: Why do you contend that Licensee has failed to establish good cause for an extension of the WNP-1 construction permit?

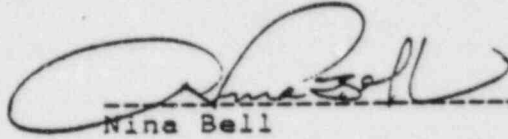
RESPONSE: There exists no good cause to extend the construction permit for WNP-1 because the power from the project will never be needed (in part due to its high cost), financing for the project will never be possible, BPA cannot be legally responsible for halting the project, and the period of time requested for the extension is entirely unrealistic and wholly impossible for WPPSS to meet.

INTERROGATORY 18: What is the basis for your response to interrogatories 16 and 17?

RESPONSE: "Northwest Conservation and Electric Power Plan", Volume I, April 27, 1983 by the Northwest Power Planning Council, Table 6-1, the "Analysis of Alternatives Related to WNP-3", May 26, 1983 by the Bonneville Power Administration, and page 28 of the "Model Electric Power and Conservation Plan for the Pacific Northwest", November 1982 by the Northwest Conservation Act

Coalition.

Respectfully submitted,



Dated this day, the 13th
of July, 1983.

Nina Bell
Coalition for Safe Power

STATE OF OREGON)
) ss.
County of Multnomah)

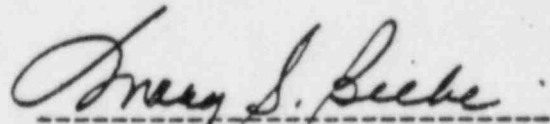
Nina Bell, being duly sworn, deposes and says:
That she is the Staff Intervenor of the Coalition for Safe
Power, and that the contents of "INTERVENOR'S UPDATED
RESPONSES TO NRC STAFF'S FIRST SET OF INTERROGATORIES, - JULY
13, 1983" and "INTERVENOR'S UPDATED RESPONSES TO APPLICANT'S
FIRST SET OF INTERROGATORIES, JULY 13, 1983" are true and
correct to the best of her information, knowledge and
belief. All responses therein were prepared by herself and
Eugene Rosolie

Signed:



Nina Bell
Coalition for Safe Power

SUBSCRIBED AND SWORN to before me this 14th day of
July, 1983.



Notary Public for Oregon
My Commission Expires: 4-16-86

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM) Docket No. 50-460CPA
et. al.)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "INTERVENOR'S UPDATED RESPONSES TO NRC STAFF'S FIRST SET OF INTERROGATORIES", "INTERVENOR'S UPDATED RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES", "COALITION FOR SAFE POWER MOTION TO COMPEL ANSWERS TO SECOND SET OF INTERROGATORIES TO APPLICANT" and "COALITION FOR SAFE POWER THIRD SET OF INTERROGATORIES TO APPLICANT" in the above-captioned matter have been served on the following by deposit in the U.S. Mail, first class, postage prepaid on this 13th day of July, 1983:

Herbert Grossman, Chairman
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

Nicholas Reynolds
Debevoise & Lieberman
1200 17th Street, N.W.
Washington D.C. 20036

Glen C. Bright
Administrative Judge
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety & Licensing Board
Nuclear Regulatory Commission
Washington D.C. 20555

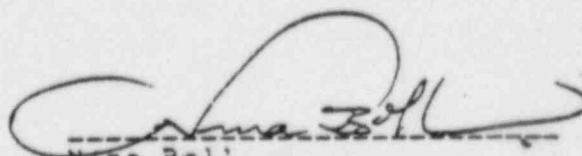
Mitzi Young
Counsel for NRC Staff
Office of Executive Legal Dir.
Nuclear Regulatory Commission
Washington D.C. 20555

Gerald Sorenson, Manager
Licensing Program
WPPSS
300 G. Washington Way
Richland, WA 99352

State of Washington
Energy Facility Site Evaluation
Council Mail Stop PY-11
Olympia, Washington 98504

Atomic Safety & Licensing Appeal
Board Panel
Nuclear Regulatory Commission
Washington D.C. 20555

Docketing & Service
Nuclear Regulatory Commission
Washington D.C. 20555


Nina Bell
Coalition for Safe Power

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

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 REYNOLDS, N.S. Washington Public Power Supply System
 REYNOLDS, N.S. Debevoise & Liberman
 RECIP. NAME RECIPIENT AFFILIATION
 Coalition for Safe Power

SUBJECT: Second set of interrogatories & requests to produce.
 Certificate of Jvc encl. Related correspondence.

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RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY
AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
WASHINGTON PUBLIC POWER)
SUPPLY SYSTEM) Docket No. 50-460-CPA
)
(WPPSS Nuclear Project No. 1))

LICENSEE'S SECOND SET OF
INTERROGATORIES AND REQUESTS
TO PRODUCE TO INTERVENOR

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, the Washington Public Power Supply System ("Licensee") hereby serves Licensee's Second Set of Interrogatories and Requests to Produce upon the Coalition for Safe Power ("intervenor").

Each interrogatory shall be answered fully in writing, under oath, or affirmation, and include all pertinent information known to intervenor, its officers, directors or members as well as any pertinent information known to its employees, advisors, representatives or counsel. Each request to produce applies to pertinent documents which are in the possession, custody or control of intervenor, its officers, directors or members as well as its employees, advisors, representatives or counsel. In answering each interrogatory and in responding to each

request, recite the interrogatory or request preceding each answer or response. Also identify the person providing each answer or response.

These interrogatories and requests shall be continuing in nature. Thus, any time intervenor obtains information which renders any previous response incorrect or indicates that a response was incorrect when made, intervenor should supplement its previous response to the appropriate interrogatory or request to produce. Intervenor should also supplement its response as necessary with respect to identification of each person expected to be called at the hearing as a witness, the subject matter of his or her testimony and the substance of that testimony. Licensee is particularly interested in the names and areas of expertise of intervenor witnesses, if any. Identification of such witnesses is necessary if Licensee is to be afforded adequate time to depose them. The term "documents" shall include any writings, drawings, graphs, charts, photographs and other data compilations from which information can be obtained. Licensee requests that at a date or dates to be agreed upon, intervenor make available for inspection and copying all documents subject to the requests set forth below.

REQUESTS FOR DOCUMENTS

Pursuant to 10 C.F.R. § 2.741, Licensee requests intervenor by and through its representative or attorney to make available for inspection and copying at a time and location to be designated, any and all documents identified in the responses to the Licensee's interrogatories below including, but not limited to:

- (1) any written record of any oral communication between or among intervenor, its advisors, consultants, representative, and/or any other persons, including but not limited to the NRC Staff, the Licensee, and their advisors, consultants, agents, and/or any other persons; and
- (2) any documents, correspondence, letters, memoranda, notes, diagrams, reports, charts, photographs, or any other writing, including but not limited to work papers, prior drafts, and notes of meetings.

If intervenor maintains that some documents should not be made available for inspection, it should specify the documents and explain why such are not being made available. This requirement extends to any such documents, described above, in the possession of intervenor, its advisors, consultants, representatives, or attorney.

Licensee notes that in response to Interrogatories 7, 18, 19 and 23 of Licensee's First Set of Interrogatories, intervenor identified several documents which, pursuant to Licensee's initial requests for documents, should have

been made available as set forth above. To date, intervenor has failed to satisfy this obligation. Accordingly, Licensee hereby renews its request that such documents be provided.

INTERROGATORIES

Pursuant to 10 C.F.R. § 2.740b, Licensee requests intervenor by and through its representative or attorney to answer separately and fully in writing, under oath or affirmation, by persons having knowledge of the information requested, the following interrogatories.

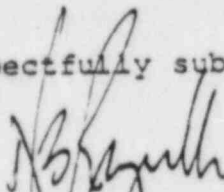
1. State the full name, address, occupation and employer of each person answering the interrogatory and designate the interrogatory or the part thereof he or she answered.
2. Identify each and every person you are considering calling as a witness in the event a hearing is held in this proceeding and with respect to each of these witnesses:
 - a. State the substance of the facts and opinions to which the witness is expected to testify.
 - b. Give a summary of the grounds for each opinion; and
 - c. Describe the witness's educational and professional background.
3. In response to Interrogatory 17 of Licensee's First Set of Interrogatories, you set forth a number of reasons why you believe WNP-1 was deferred. Are they the only reasons you contend that WNP-1 was deferred?

4. If your response to Interrogatory 3 is no, state all other reasons you contend that WNP-1 was deferred.
5. Of the reasons identified in Interrogatory 4, state which (if any) of those reasons were the principle reasons why you contend that WNP-1 was deferred.
6. What are the bases for your responses to Interrogatories 3, 4 and 5?
7. State what you believe are the functions of the Bonneville Power Administration ("BPA").
8. State what you believe are the functions of the Licensee.
9. Provide the bases for your response to Interrogatories 7 and 8.
10. State what you believe is the extent, if any, to which BPA oversees and/or approves development and implementation of Licensee's construction budget for WNP-1.
11. State what you believe is the extent, if any, to which BPA oversees and/or approves development and implementation of Licensee's construction activities for WNP-1.
12. Do you contend that Licensee should have continued the construction of WNP-1, notwithstanding the BPA recommendation to defer its construction for an additional two to five years?
13. If the answer to Interrogatory 12 is yes, explain fully what sources of funding you believe were available to support continued construction.
14. If the answer to Interrogatory 12 is no, explain whether in your opinion Licensee had a valid business purpose in deferring construction.

15. Provide the complete basis for your responses to Interrogatories 12, 13 and 14.
16. In response to Interrogatories 20, 21 and 22 of Licensee's First Set of Interrogatories you stated what you meant by the term "reasonable period of time," what factors should be considered when determining if a requested construction permit is for a "reasonable period of time" and what would constitute a "reasonable period of time" in the case of WNP-1. On June 22, 1983, you set forth in your Response to Licensee's Motion to Compel the basis for your responses to those interrogatories and stated that you would again update your response. Provide that updated response.
17. Identify what obstacles exist in your opinion to financing WNP-1, the time needed for each obstacle to be overcome, and what must occur for each obstacle to be overcome.
18. Provide the complete basis for your response to Interrogatory 17.
19. Do you contend that Licensee must demonstrate that WNP-1 will in fact be completed within the period provided for in the two to five year extension of its construction?
20. Provide the complete basis for your response to Interrogatory 19.
21. Do you contend there has been a misallocation of funds on the WNP-1 and 4 projects such that funds will have to be repaid by the WNP-1 project to the WNP-4 project?
22. If the answer to Interrogatory 21 is yes, state the amount of the misallocation and identify the effect, if any, it would have on the construction of WNP-1.

23. Provide the complete basis for your response to Interrogatories 21 and 22.
24. Identify all documents in your possession obtained from BPA concerning the delay of WNP-1 and state when and from whom you obtained each of these documents.
25. Identify all documents in your possession obtained from any source other than BPA concerning the delay of WNP-1 and state when and from whom you obtained each of these documents.

Respectfully submitted,



Nicholas S. Reynolds
Sanford L. Hartman
DEBEVOISE & LIBERMAN
1200 Seventeenth St., N. W.
Washington, D. C. 20036
202/857-9817

Counsel for Licensee

August 12, 1983

DOCKETED
USNRC

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
WASHINGTON PUBLIC POWER) Docket No. 50-460-CPA
SUPPLY SYSTEM)
)
(WPPSS Nuclear Project No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing
"Licensee's Second Set of Interrogatories and Requests to
Produce to Intervenor" in the captioned matter were served
upon the following persons by deposit in the United States
mail, first class, postage prepaid, this 12th day of
August, 1983:

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

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

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

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

Mitzi A. Young, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Mr. Gerald C. Sorensen
Manager of Licensing
Washington Public Power
Supply System
3000 George Washington Way
Richland, Washington 99352

Mr. Scott W. Stucky
Docketing & Service Branch
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Nicholas D. Lewis, Chairman
Energy Facility Site
Evaluation Council
State of Washington
Mail Stop PY-11
Olympia, Washington 98504

Mr. Eugene Rosolie
Coalition for Safe Power
Suite 527
408 South West 2nd
Portland, Oregon 97204


Sanford L. Hartman

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8308170031 DUC DATE: 83/08/15 NOTARIZED: NO DOCKET #
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 AUTH. NAME AUTHUR AFFILIATION
 GROSSMAN, H. Atomic Safety and Licensing Board Panel
 RECIP. NAME RECIPIENT AFFILIATION
 Coalition for Safe Power

SUBJECT: Memorandum & order gr-nting Coalition for Safe Power 830713
 motion to compel answers to interrogatories as to
 Interrogatories 25 - 28. Motion to compel denied as to
 Interrogatories 42 & 50.

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NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Glenn O. Bright
Dr. Jerry Harbour

SERVED AUG 13 1983

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

Docket No. 50-460-CPA
(ASLBP No. 83-485-02 CPA)
August 15, 1983

MEMORANDUM AND ORDER
(Granting In Part and Denying In Part
Intervenor's Motion to Compel)

MEMORANDUM

On June 9, 1983, Intervenor, the Coalition for Safe Power (CSP), served its second set of interrogatories upon Applicant, the Washington Public Power Supply System (WPPSS). Applicant objected to Interrogatories 19, 21, 22, 25, 27, 31-35, 38, 42-45, and 47. On July 13, Intervenor moved to compel responses to Interrogatories 25, 27, 28, 31, 32, 35, 38 and 42, and to compel more complete responses to Interrogatories 26 and 50.

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Applicant responded to CSP's motion to compel by answering Interrogatories 31, 32, 35 and 38 (without waiving its objections to those interrogatories), by continuing to object to Interrogatories 25, 27, 28 and 42, and by objecting to further responses to Interrogatories 26 and 50.

We grant Intervenor's motion with regard to Interrogatories 25-23 and deny it with regard to Interrogatories 42 and 50.

Interrogatory 25

In this interrogatory, CSP seeks to discover the differences in Applicant's usage of the terms "deferral, mothball and preservation." Applicant objects on the ground that the information sought relates only to health and safety aspects of the construction deferral -- matters outside the scope of this proceeding. These terms have apparently been used by Applicant in public statements and documents. Intervenor denies that it is attempting to raise health and safety issues by its request.

It appears to us that, although the differences in the projected manner of treating the suspended facility may be motivated by health and safety reasons, the terms themselves describe the possible treatment of the facility rather than the motivating reasons for such treatment (even if the motivating reasons were health and safety considerations).

Applicant's objection is not well founded, and it should answer the interrogatory.

Interrogatory 26

Interrogatory 26 states: "To what events is the restart of construction on WNP-1 tied? Explain fully your answer." Applicant responded as follows:

The restart of construction on WNP-1 is tied to those factors upon which the extension of the WNP-1 construction permit until 1991 was based.

Intervenor asserts that Applicant should "Explain fully [the] answer" by showing how each factor identified affects the restart of construction of WNP-1 and how the decision will be made. Applicant contends that Intervenor is now attempting to rewrite its interrogatory and that these are other questions that Intervenor should have asked but didn't.

It appears to us that Applicant's answer to the interrogatory was incomplete and circular. Rather than name the events and explain how these events affect the restart of construction, it merely referenced the restart of construction to the unnamed construction permit extension factors. That response is unsatisfactory and incomplete. The question posed by Intervenor in paraphrasing the original interrogatory seemed to

us to be a legitimate reading of the original interrogatory. Applicant should furnish a complete answer to those questions.

Interrogatories 27 and 28

These interrogatories ask what the effect would be on the restart and completion of WNP-1 of the possible default on WNP-4 and WNP-5, and the deferral of construction on WNP-3, respectively.

As we gather from Applicant's original objections to the interrogatories and its response to the motion to compel, Applicant objects to answering on the grounds that the interrogatories seek information with regard to projects other than WNP-1, namely, WNP-3, WNP-4 and WNP-5. Applicant suggests that an inquiry into those projects is a "tangential question" that constitutes "unlimited inquiries into a construction permit holder's activities on other projects." Applicant's response to motion to compel at 7.

We do not view the interrogatories that way. It appears to us that, as a prima facie matter, a very direct connection has been demonstrated between the restart of WNP-1 and the fortunes of WNP-3, WNP-4 and WNP-5. Furthermore, the interrogatories themselves limit the inquiry into WNP-3, WNP-4 and WNP-5 to their "effect *** on the restart and completion of WNP-1." These interrogatories, therefore, are neither "tangential" to the continued construction of WNP-1, nor do they con-

stitute "unlimited inquiries" into Applicant's activities on other projects. Applicant should supply those answers.

Interrogatory 42

This interrogatory asks the reasons for halting construction of WNP-3, including the suggestion of there being no need for its power, and questions how these reasons will affect the deferral of WNP-1. As with Interrogatories 27 and 28, Applicant objects to these inquiries into Applicant's activities on projects other than WNP-1.

We agree with Applicant that the reasons for Applicant's having taken actions on other projects are not sufficiently connected to its contemplated activities on WNP-1 to warrant discovery into those matters. We do not consider that, because Applicant had certain reasons to take actions with regard to other projects, the existence of these reasons in Applicant's mind constitutes a basis for the Board to determine whether good cause exists for extending the construction permit for WNP-1. Intervenor seeks to discover matters that are not relevant and which do not appear to lead to relevant matters.

Interrogatory 50

This interrogatory questioned whether the passage of Washington Initiative 394 affected the ability of WPPSS to issue bonds. Appli-

cant's response indicated that any perceived impediment to the repayment of bonds would make their sale more difficult; that Initiative 394 would clearly have constituted such a perceived impediment; and that the Supreme Court had declared Initiative 394 unconstitutional so as to remove this impediment to net billing financing.

It appears to us that Applicant has completely answered that interrogatory. No further response is necessary.

ORDER

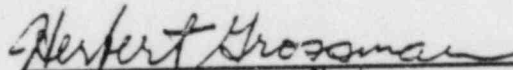
For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 15th day of August, 1983,

ORDERED

1. That Intervenor's motion to compel answers to Interrogatories 25, 27, and 28 is granted;
2. That Intervenor's motion to compel a more complete response to Interrogatory 26 is granted;
3. That Intervenor's motion to compel an answer to Interrogatory 42 is denied; and

4. That Intervenor's motion to compel a more complete answer to Interrogatory 50 is denied.

FOR THE ATOMIC SAFETY AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,
August 15, 1983.

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

WASHINGTON PUBLIC POWER SUPPLY SYSTEM)
et. al.)

(WPPSS Nuclear Project No. 1))

OFFICE OF SECRETARY
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BRANCH

Docket No. 50-460CPA

COALITION FOR SAFE POWER MOTION TO COMPEL ANSWERS TO THIRD SET
OF INTERROGATORIES TO APPLICANT, AUGUST 22, 1983.

The Coalition for Safe Power, Intervenor in the above-captioned proceeding, served copies of its third set of interrogatories on Applicant on July 13, 1983. Applicant responded on August 1, 1983.

Intervenor hereby moves for an Order causing Applicant to respond to interrogatories 5, 6, 9, and 16 and to respond more fully to interrogatories 2, 3, 13 and 14 for which inadequate responses were provided.

Applicant's objections to interrogatories 5, 9, 14 and 16 (or portions thereof) are based on its assertion that any information sought which is related to WNP-3 is outside the scope of this proceeding. In fact, these interrogatories seek information on the effect of the actions at WNP-3 on the delay of WNP-1, at issue in this proceeding. The Board has ruled (Memo and Order, August 15, 1983 at 4) that a "very direct connection has been demonstrated between the restart of WNP-1 and the fortunes of WNP-3, WNP-4 and WNP-5."

Interrogatory 5 specifically requests materials related to the BPA review of WNP-3 which bears on WNP-1.

Interrogatory 9 addresses decisions made by WPPSS on WNP-3 -

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which bear on the completion of WNP-1. Attachment 1 to this action (excerpted from the WNP-3 Decision Document) shows clearly that the seven contingencies provided for "Alternative 2" ("Reduce WNP-3 to Preservation State as Soon As Possible") effect the continued construction of WNP-1. This interrogatory seeks to discover which scenario was chosen by WPPSS, in light of the BPA recommendation to halt WNP-3 construction for three years.

Interrogatory 14 seeks information regarding the effect of the construction halt on WNP-3 on the schedule for WNP-1. Applicant replies that the deferral of WNP-3 was not for three years but only until a source of funding is assured. Intervenor has not yet seen the July 8, 1983 resolution of the WPPSS Executive Board which Applicant refers to for this information. However, Intervenor was present at a August 17, 1983 prehearing conference in the Matter of Washington Public Power Supply System, Operating License application for WNP-3 where Applicant's counsel stated that WNP-3 is in a "one year winddown of construction" and that "the outside limit of deferral is three years." The BPA, in the "Analysis of Resource Alternatives, Summary and Conclusions, May 26, 1983" states that it "would approve an action by the Executive Board to effect, as soon as possible, transition of WNP-3 to a preservation state for three years..." and that "financing alternatives are currently either unavailable or not prudent." This appears contrary to Applicant's assertions at page 13 of its August 1, 1983 Response to Intervenor's Third Set of Interrogatories, that "WNP-3 has been deferred until a source of funding for its completion is assured."

Interrogatory 16 seeks information regarding the restart of construction of WNP-3. The restart of WNP-3 has a direct bearing on the restart of WNP-1. See page 23 of the WNP-3 Decision Document and Memo and Order, supra. While Licensee has indicated to the NRC that construction deferral is for three to nine months (See e.g. August 19 letter from G.W. Knighton, NRC to D.W. Melton, WPPSS, Docket No. 50-508) BPA has stated it should be for three years. For the purposes of this proceeding all parties should be put on notice as to the expected restart of WNP-1 and all factors bearing on it (including the restart of WNP-3).

Applicant's response to Interrogatory 13, which concerns misallocation of funds on the WNP-1/4 projects, is half-hearted and vague. The BPA has considered this factor as a risk to financing the net-billed projects and as one of 6 factors affecting its financial status and thus its ability to finance WPPSS (including WNP-1). See page 19 of the WNP-3 Decision Document.

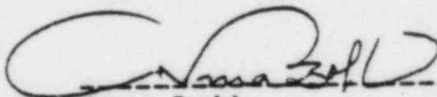
Interrogatories 5 and 6 seek material used by the BPA to prepare the WNP-1 and WNP-3 Decision Documents, both of which bear on the continued construction of WNP-1 and which are detailed and useful analyses. Applicant seeks to rely upon the BPA recommendation as the reason for its construction delay stating that BPA has the ultimate authority over the plant. The original documents, studies and so forth used to prepare these analyses clearly form the basis for the case being made by the Applicant. However, Applicant is unable or unwilling to provide the materials which have been used by those it claims have ultimate authority thus shielding itself and the decisions from

scrutiny. WPPSS, as the holder of the construction permit, should be required to ensure that there is a full and complete public record. In the alternative the Board should suspend the current hearings schedule to allow Intervenor to discover, through means of the Freedom of Information Act, 5 U.S.C. 552, as amended, from Bonneville Power Administration, a federal agency, the information which should clearly be a part of the record in this proceeding.

Interrogatories 2 and 3 request that documents be made available for inspection and copying. These interrogatories also specifically request that a list be furnished of the documents which will be placed in the Applicant's Richland office. Applicant has ignored this aspect of the interrogatory which is important to relieve Intervenor of travelling 400 possibly unnecessary miles.

Respectfully submitted,

Dated this day, the 22nd
of August 1983.



Nina Bell
Coalition for Safe Power

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD AUG 26 AM 10:27

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

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)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "COALITION FOR SAFE POWER MOTION TO COMPEL ANSWERS TO THIRD SET OF INTERROGATORIES TO APPLICANT" in the above-captioned matter have been served on the following by deposit in the U.S. Mail, first class, postage prepaid on this 22nd day of August, 1983:

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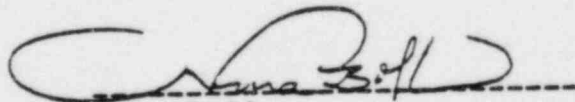
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Coalition for Safe Power