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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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BRANCH

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

Applicant's Response to Petitioner's Motion
for Delay of Prehearing Conference Scheduled
for January 19 and 20, 1983.

On December 9, 1982, the Washington Public Power Supply System ("Applicant") was served with a motion by the Coalition for Safe Power ("petitioner") requesting that the date of the Prehearing Conference and the deadline by which it must submit a supplement to its petition to intervene pursuant to 10 C.F.R. §2.714(b) be extended "at least one week."¹ In support of its motion, petitioner asserted that (1) as a result of the holiday period, a total of four days are lost in which to prepare its supplemental petition; (2) because Applicant has refused to provide it with a copy of the applicable Environmental Report ("ER") and Final Safety Analysis Report ("FSAR"), it must rely on the local public document room, which will be closed for two days as a result of the holidays; (3)

¹ "Motion for Delay of Prehearing Conference Scheduled for January 19 and 20, 1983," ("motion"), December 9, 1982 at p. 2.

the U.S. Postal Service will not guarantee next-day service using Express Mail from Portland, Oregon to Washington, D.C.; and (4) mail to its "experts" who will be relied upon in framing contentions will be slowed as a result of the holidays. Petitioner also advanced the argument that its request will not unduly delay the proceedings.

Applicant submits that the allegations set forth by petitioner do not constitute "good cause" within the meaning of 10 C.F.R. §2.711(a) such that an extension of time is warranted. Nevertheless, Applicant does not object to a one week extension of the date on which the Prehearing Conference will be held. The supplemental petition to intervene would, therefore, have to be received by counsel for the Applicant and NRC Staff by January 11, 1983 (15 days before the Prehearing Conference) and responses to such Supplement would have to be delivered to the Board in the morning of January 24, 1983.

Although Applicant does not object to rescheduling the Prehearing Conference, a number of points must be emphasized. First, the mere fact that a holiday occurs or that the mails are slow hardly constitutes good cause to change the date of the Prehearing Conference. The Board Order scheduling that Conference was served on December 1,

1982. Presumably, petitioner received it on December 6,² thus providing about four weeks in which to prepare its Supplemental Petition. Further, given petitioner's purported past experience in NRC licensing proceedings, we find it disturbing that petitioner did nothing to prepare its Supplemental Petition pending issuance of the Board Order scheduling the Prehearing Conference. All parties have an obligation to devote seasonably the resources necessary to meet deadlines set by the Board, and this petitioner should be aware of that obligation from the outset.

Second, petitioner suggested in its request for a hearing that a hearing should address a number of issues.³ Applicant presumes that those representations were based on something more than mere assertions and that petitioner made such claims with at least some knowledge of the issues to be raised. Consequently, the task of preparing a Supplemental Petition should not be as time-consuming as petitioner suggests.

Third, whether the Applicant has declined to provide petitioner with its own copy of the FSAR and ER has no bearing on whether petitioner has demonstrated good cause in support of its motion. Petitioner may use the FSAR and

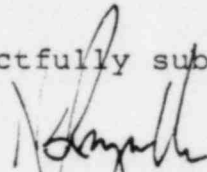
² Cf. 10 C.F.R. §2.710 (when service of notice requiring response is by mail, five days are added to period provided for response).

³ See March 18, 1982 "Request for Hearing" at p. 3-4.

ER available the local public document room established by the NRC or in the offices of the Bonneville Power Administration in Portland, Oregon. Moreover, the Applicant advised petitioner in response to its request that, in accordance with Applicant's established policy governing such document requests by members of the public, the Applicant would be willing to provide both the FSAR and ER, provided petitioner reimbursed the Applicant for doing so.

In sum, while Applicant does not object to a one week extension of the date on which the Prehearing Conference will be held, it does not concede that the basis for petitioner's request constitutes "good cause" within the meaning of 10 C.F.R. §2.711.

Respectfully submitted,



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Dated: December 22, 1982

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NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Response to Petitioner's Motion for Delay of Pre-hearing Conference Scheduled for January 19 and 20, 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 December, 1982:

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