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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-OL
)
(WPPSS Nuclear Project No. 1))

MOTION FOR BOARD RULING ON CONTENTIONS

On January 26 and 27, 1983, a Special Prehearing Conference was held in Richland, Washington, during which the Board heard oral argument on whether petitioner should be granted intervention in the captioned proceeding. The parties addressed whether petitioner had established the requisite interest to intervene, and also addressed each proposed contention raised by petitioner. Following that Special Prehearing Conference, the parties submitted additional memoranda addressing the question of interest and setting forth their views as to the future schedule of the proceeding.

On June 23, 1983, the Board issued a Memorandum in which it found that petitioner had satisfied the "interest" requirement of 10 C.F.R. § 2.714. On the same day it issued a Memorandum and Order granting the State of Washington "interested state" status pursuant to 10 C.F.R.

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Section 2.715(c) and inviting the State to file its views by July 12, 1983, on the proposed contentions set forth in petitioner's January 10, 1983 supplement to its request for hearing and leave to intervene. The State did not respond to this invitation.

To date, the Board has not ruled on the admissibility of the proposed contentions. Before the Board invited the State to comment on the proposed contentions, the contentions had been before the Board for six months. Now that the State has declined to comment and another two months have elapsed, we believe that it would be timely for the Board to rule soon on the admissibility question and on the schedule for future proceedings, if any.

The Commission has instructed Licensing Boards to conduct operating license proceedings promptly and efficiently as follows:

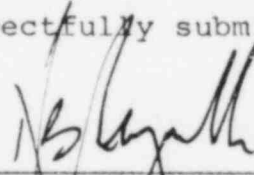
[The Commission intends] that [operating license proceedings] be conducted expeditiously and . . . that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without unnecessary delays.¹

¹ 10 C.F.R. Part 2, Appendix A.

Relevant NRC case law also teaches that Licensing Boards may permit the early adjudication of issues in cases such as this.² Thus, there is no reason for this Board to withhold its decision on the admissibility of contentions.

Accordingly, Applicant moves the Board to rule promptly on the admissibility of the proposed contentions, whether petitioner's petition to intervene should be granted and, if so, the schedule of further proceedings.

Respectfully submitted,



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August 23, 1983

² Metropolitan Edison Co. (Three Mile Island Nuclear Station Unit 2), ALAB-570, 10 NRC 679 (1979); Potomac Electric Power Co. (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-277, 1 NRC 539 (1975)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Motion for Board Ruling on Contentions" in the captioned matter were served upon the following persons by deposit in the United States mail, first class, postage prepaid this 23rd day of August, 1983:

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