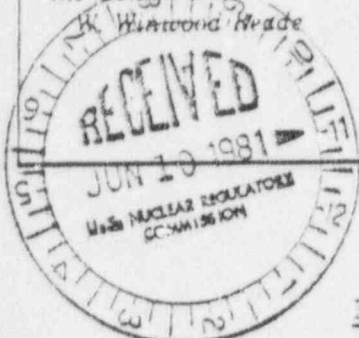


Forelaws on Board

Our conscience teaches us it is right,
our reason teaches us it is useful,
that men should live according to
the Golden Rule



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*THE FOUR LAWS OF ECOLOGY

1. Everything is connected to everything else.
2. Everything must go somewhere.
3. Nature knows best.
4. There is no such thing as a free lunch.

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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

PORTLAND GENERAL ELECTRIC)
COMPANY)

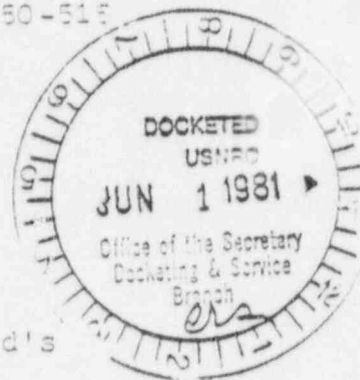
Docket Nos. 50-514
50-515

(Pebble Springs Nuclear Plant,)
Units 1 and 2))

FORELAWS ON BOARD'S:

- I. Argument for the Admission of Contentions AS-5 and AS-6.
- II. Position on Applicant's "Response to Board's Order of April 28, 1981."

Dated: June 1, 1981



I. A. On April 8, 1981, the Atomic Safety and Licensing Board received for consideration a "Stipulation Regarding Contentions and Scheduling" in which the applicants and the NRC staff agree that proposed intervenor contentions AS1 through AS4 should be admitted as issues in the above entitled proceeding. While the staff did not oppose contention AS-5 the applicant did so in an argument submitted April 6, 1981, in which it contends that because the draft environmental impact statement on the Pebble Springs Nuclear Plant was issued in February of 1976 it follows that "the new Council on Environmental Quality regulations have no bearing on this matter unless as noted in 40CFR 1506.12 an agency desires to implement the same at an earlier date." The applicant then quotes a "new proposed

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FORELAWS ON BOARD

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regulation" of the Nuclear Regulatory Commission to arrive at a conclusion that "Hence, under the Council on Environmental Quality's rules or under the present NRC rules or its new proposed rules... it is totally irrelevant to this proceeding whether the staff's first supplement complies or not." Forelaws On Board would note that the "proposed" rule of the NRC, governing the implementation of the new regulations of the Council on Environmental Quality, is not in effect until final action is taken by the Commission to formally adopt such a rule. In addition, the Council on Environmental Quality has caused to be published in the Federal Register "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (46 FR 18026, March 23, 1981) which states in relevant part:

"But in determining whether or not the new regulations apply to the preparation of a particular environmental document the relevant factor is the date of filing of the draft of that document. Thus the new regulations do not require the redrafting of an EIS or supplement if the draft EIS or supplement was filed before July 30, 1979. However, a supplement prepared after the effective date of the regulations would be controlled by the regulations. (46 FR 18029, March 23, 1981, Question 12a.)"

The effective date of the Council's regulations was July 30, 1979, and the effective date of the Draft Supplement No. 1 to the FES on the Pebble Springs Nuclear Plant Units 1 and 2 was November, 1979. It is clear that the new regulations of the Council on Environmental Quality are relevant to this proceeding and that there is a genuine issue to be resolved. Furthermore, the latter part of the contention AS-5 which states: "The site comparison analysis fails to go into enough detail so that the differences in environmental consequences can be clearly understood," is clearly a genuine issue and can stand outside the Board's determination of the applicability of the new CEQ regulations.

Both the applicant and the NRC staff oppose the admission of Intervenor Contention AS-6 based upon a Statement of Interim Policy on Nuclear Power Plant Accident Considerations under the National Environmental Policy Act of 1969 published in the Federal Register by the Commission. In addition to those quotes attested to by the staff and applicant the Commission stated:

"However, it is also the intent of the Commission that the staff take steps to identify additional cases that might warrant early consideration of either additional features or other actions which would prevent or mitigate the consequences of serious accidents. Cases for such considerations are those for which a Final Environmental Statement has already been issued at the Construction Permit stage but for which the Opening License review stage has not yet been reached."

It is Forelaws On Board's contention that this proceeding represents just such a case and one in which it is demonstrated that there is no apparent need for a rush to conclusion of an inadequate analysis of site alternatives. The choice of site alternatives represents those "actions which would prevent or mitigate the consequences of serious accidents." It is obvious that the preparation of an adequate analysis can lead to a site location best fitted to provide high quality accident response as well as mitigation of accident impacts upon all aspects of the environment. We would note that this is echoed in the U.S. Department of Interior's January 18, 1980 comments on the draft supplement wherein it is stated that:

"We feel that site specific consequences of reactor accidents should be among the key issues, both in the applicants' site selection process and in the staff's evaluation of that process." (Final supplement No. 1 to the FES related to the construction of Pebble Springs Nuclear Plant Units 1 and 2, E-3-4)

Under the circumstances we do not believe that the Board can ignore this issue and believe it is incumbent that an examination of class 9 accidents be introduced at this time in this portion of the proceeding.

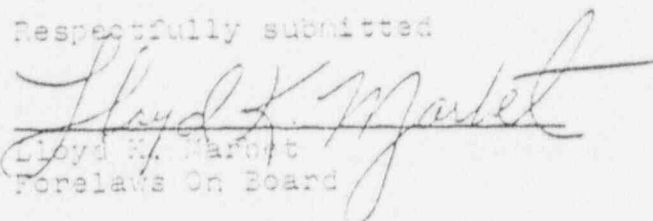
IFT Forelaws On Board has reviewed both the applicants' "Response to Board's Order of April 28, 1981" and the "NRC Staff Views on Applicants' Response to Board's Order of 4/28/81." The Applicant raises a variety of issues which impact the final outcome of the Pebble Springs plants, among which are "the completion of its Boardman Plant, the Regional Bill, and construction progress on the Colstrip 3 and 4 and WPPSS No. 3 units," all of which need further examination by this Board.

In addition, the Merrill Lynch report examines the effect of the November 1980 election in Oregon on the Pebble Springs Plants as

well as other factors which could affect their final outcome. None of these factors are adequately addressed by the applicants (see page 19, Merrill Lynch). The bottom line of the Merrill Lynch report is found in the statement that "Pebble Springs looks as if it could quietly fade away."

It is Forelaws On Board's position that this Board should require rigorous analysis by both the staff and applicant as to the need for these facilities as well as the likelihood that they can even be built. Considering one factor alone, the Regional Bill (PL 93-601), Portland General Electric and its partners in Pebble Springs are currently in the process of signing net power requirement contracts with the Bonneville Power Administration. In addition, Residential Power Exchange contracts with EPA are being negotiated. These contracts will obligate EPA to serve all future load growth except in times of shortage in which an allocation policy would be implemented. Resources needed to fulfill these power obligations would have to be consistent with a resource plan developed by a new Regional Power and Conservation Planning Council. Any other resources would require a special Act of Congress. The totality of this process is immense and represents a major change for energy planning and resource acquisition in this region. Forelaws On Board believes that under circumstances such as these it is impossible to prosecute this proceeding without wasting a great deal of NRC staff time and resources, especially at a time in which the Commission, because of Three Mile Island, is changing a variety of regulations and policies in order to expedite a licensing backlog of nearly completed nuclear plants. Forelaws On Board respectfully asks that the issue of whether to proceed further with this proceeding be submitted by the Board to the Commission for further review, the purpose of which is to raise for policy consideration the treatment that should be given by the Commission to licensing proceedings which suffer such great uncertainties, making their prosecution uneconomical and untimely.

Respectfully submitted


Lloyd K. Barnett
Forelaws On Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

(Pebble Springs Nuclear Plant,
Units 1 and 2)

Docket Nos. 50-514
50-515

CERTIFICATE OF SERVICE

I hereby certify that copies of "Forelaws On Board's: I. Argument for the Admission of Contentions AS-5 and AS-6, II. Position of Applicants' "Response to Board's Order of April 28, 1981" dated June 1, 1981, in the above captioned proceeding have been served on the following by deposit in the United States Mail, first class, this 1st day of June, 1981.

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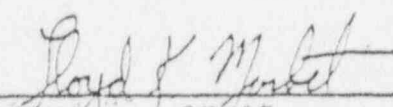
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