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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'83 FEB 15 A11:50

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

REGISTRATION SERVICE
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COALITION FOR SAFE POWER AMENDED CONTENTION NO. 2 - FEB 11, 1983

Pursuant to the Atomic Safety and Licensing Board Order of January 26, 1983 Petitioner Coalition for Safe Power hereby submits its amended contention No. 2. TR at 69.

CFSP 2

Petitioner contends that the Permittee's decision in April 1982 to "defer" construction for two to five years, and the 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).

On April 29, 1982, the Board of Directors of the Washington Public Power Supply System voted to suspend construction of WNP-1 for a two to five year period. This decision was made upon reviewing the recommendations of the Bonneville Power Administration (BPA), reviewing alternative proposals and taking public comment. Letter to H. Denton, Director of NRR, NRC from G.D. Bouchey, WPPSS, April 30, 1982. Eight and one half months later, following receipt of Petitioner's contention 2 in this case, Permittee notified the NRC that it was modifying its request from a completion date of 1986 to 1991. Letter to H. Denton, Director NRR, NRC from G.D. Bouchey, WPPSS, January 11, 1983. This action (along with its requisite paperwork) was taken with the full intention of delaying completion of the plant and thus was "dilatory" within the definition provided by Black's Law Dictionary.

Such actions also were without "good cause" as required by Section 50.55(b). Permittee has not specified exactly what it believes constitutes

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its basis for "good cause". In its Letter, supra of April 1983, WPPSS states:

Because BPA support is essential to the financing of all three Supply System projects, the Board [of Directors] voted to accept the BPA recommendations [to halt construction].

The January, 1983 Letter, supra merely states that BPA had recommended suspension of construction of WNP-1 from two to five years and it was in view of that recommendation that the WPPSS Board voted to suspend construction. At the Prehearing Conference on January 26, 1983, Permittee's Counsel stated that the reason was lack of need for power from WNP-1. TR at 60. Counsel also stated that BPA has the authority to disapprove any further financing of WNP-1 construction. TR at 79.

BPA is not a part of WPPSS management, as was pointed out by Permittee's Counsel. TR at 77. Neither does BPA have the authority to control WPPSS finances. The Initial Decision of the licensing board for WNP-1 (Construction Permit), LBP-75-72, 2 NRC 922 at 926 states:

Permanent financing is effected by the issuance of tax exempt long term debt securities. WPPSS debt securities are of the revenue note (short term) and revenue bond (long term) variety. State of Washington law provides that WPPSS may issue revenue bonds or warrants payable from the revenues of the Utility properties operated by it.

The Initial Decision does not include a finding that BPA need approve or can disapprove any financing for WNP-1. Furthermore, Permittee has never stated in its submittals to the NRC that BPA could or might disapprove financing for the plant. The vague, conclusionary and unsubstantiated statement that BPA support is essential to the financing of the WPPSS projects, as quoted above, is all Permittee offers. While this may be Permittee's suggestion of what constitutes "good cause" for its actions, it is neither clear that it is nor is it supported by fact.

Need for power was offered as a reason for "good cause" by Permittee's

Counsel at the Prehearing conference. TR at 60. Nowhere else, including the BPA's Report "Analysis of Resource ALternatives" dated April 19, 1982, has this argument been advanced. IN fact, WPPSS asserts the need for power from the plant does exist.* See Letter, supra of April, 1982. The Pacific Northwest Utilities Conference (PNUCC), in its "Northwest Regional Forecast of Power Loads and Resources, July 1982-June 1983" issued in May, 1982 and relied upon by Permittee and other Northwest utilities (See e.g. Skagit/Hanford Environmental Report) shows that WNP-1 will be needed prior to the dates of completion. Forecast, Table 1.i and Figure 1-2. Furthmore, the BPA Report, supra at 3 states:

A number of utility executives and experts believe it is prudent utility practice to plan resources to meet loads in the high portion of the forecasting range. Under these circumstances, and using the high range recommended, all three net billed projects could prove to be needed on schedule.

Section 50.55(b) of Title Ten, Code of Federal Regulations states explicitly that a completion date can be extended by the Commission "for a reasonable period of time." Construction of the plant is little over half completed. By 1981, Permittee had already projected the need for another 65 months over an original expected construction schedule of 60 months. WPPSS Inquiry at 20. Now Permittee wishes to add another two to five years resulting in a delay (over the expected completion date) of seven to ten years, and a delay (past the Construction Permit expiration date) of six to nine years. This latter calculation is in the range of double the outside anticipated construction period. Six to nine years cannot have been contemplated as a "reasonable period of time" by the writers of 10 CFR 50.55(b).

Furthermore, there is ample reason to believe that the dates for constructin completion as they stand presently will not be adequate,

* Petitioner does not subscribe to either the BPA or PNUCC forecasts and does not believe the power from WNP-1 will ever be needed.

necessitating further unreasonable extensions. At the time of construction halt at WNP-1, work had progressed at approximately 9½% per year. If construction is halted for the full five years contemplated, four years will remain to complete the remaining 40% of the plant. This will not be sufficient taking into consideration Permittee's history. Moreover, the WPPSS Inquiry (at 19-23) addressed the ability of WPPSS to meet schedule deadlines:

The rate of delay in plant completion is accelerating...

A study prepared by WPPSS indicates there is little more than remote likelihood that the officially adopted schedules can, in fact, be met.

Schedule delays have a direct impact on the overall cost of the projects....These extensions expose construction costs to the impact of increasing inflation.

The low probabilities of achieving the schedules, as established by the risk analysis, were not discussed by the Board [of Directors] when the schedules were adopted.

The Committee was unable to find evidence that the officially adopted completion dates for the plants are used by WPPSS management to monitor or control the progress of work at the plant sites.

Moreover, Permittee has committed to the NRC Staff that:

the final design of WNP-1 will satisfy the requirements of any future regulations promulgated between the date of docketing and the resumption of construction of WNP-1 from which WNP-1 would otherwise be grandfathered by virtue of its date of docketing. A Supply System letter dated June 11, 1982 makes that commitment...

Letter to R. Ferguson, WPPSS from D.G. Eisenhut, NRR, NRC, July 16, 1982. Clearly with the commitment referred to above, four years (over and above the time for construction halt) is not sufficient time in which to build the plant. The time requested for the extension is not reasonable, nor is it adequate, and further requests for extensions would be even more reasonable.

Thus, there exists no record to show that Permittee's actions to suspend the construction are "beyond the control of the permit holder"

as required for a finding of "good cause" under 50.55(b) or that the time requested is reasonable. Such actions as were taken by the Permittee were intentional and therefore "dilatory".

Respectfully submitted,

Dated this day the 11th
of February, 1983



Nina Bell, CFSP

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
'83 FEB 15 A11:50

In the Matter of)
WASHINGTON PUBLIC POWER SUPPLY SYSTEM)
(WNP-1&2))

Docket No. 50-397CP
50-460CP

DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "COALITION FOR SAFE POWER AMENDED
CONTENTION NO. 2 - FEB. 11, 1983" in the above-captioned proceeding
have been served on the following by deposit in the U.S. Mail, first
class, postage prepaid, on this 11th day of February, 1983:

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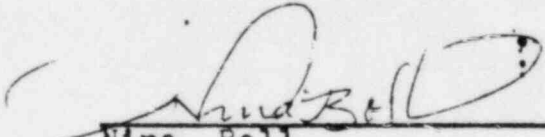
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