

RESOLUTION NO. 163

WHEREAS, the Energy Facility Site Evaluation Council did consult extensively with parties in advance of the contested case hearing in the matter of Application No. 76-2; and

WHEREAS, the number of witness appearances projected by parties to the case has increased substantially; and

WHEREAS, repetitive and excessively detailed cross-examination and lengthy, duplicative, and nonresponsive answers would detract from the record of the case and would result in loss of time; and

WHEREAS, progress on the hearing is not satisfactory and estimates of time required to conclude the case are entirely unacceptable;

AND, FURTHER,

WHEREAS, the Council must make a decision on the application as submitted by the applicant, and must balance competing interests; and

WHEREAS, the Legislature has directed the Council to conclude its processing of applications in a timely fashion; and

WHEREAS, the Council possesses considerable expertise among its members and does not require detailed explanations within its expertise; and

WHEREAS, the Council must deal with other certification, enforcement, and application matters in addition to conducting the hearings in this matter, and Council members, in addition, have other official responsibilities; and

WHEREAS, the Council depends upon and expects the parties to bring forward matters of legitimate concern to the parties and to limit their participation accordingly;

NOW, THEREFORE BE IT RESOLVED That the Council shall adopt the following procedures to regulate the processing of Application No. 76-2:

1. The present topical structure shall be modified to bring about a consolidation permitting hearing the design, construction, operation and environmental components of each element of the project successively. The Administrative Law Judge, with assistance from the staff, is directed to accomplish and implement this modification by March 1, 1980.
2. The applicant shall establish panels of witnesses on a topical basis consistent with paragraph no. 1 above. Cross-examination of each witness panel shall be conducted as follows: Cross-examination of the

3. All intervening parties will establish panels of witnesses on a topical basis consistent with paragraph no. 1 above. The same cross-examination rules set forth in paragraph no. 2 above for applicant's witness panels will apply.
4. The Council encourages and may require the establishment of joint intervenor party witness panels on a topical basis consistent with paragraph no. 1 above.
5. At the earliest possible time, the Administrative Law Judge shall develop a schedule for the case in consultation with the parties and submit it to the Chairman for approval. Time limits will be placed on the examination of each witness panel. At the expiration of the time reserved for each witness panel, parties desiring further time must show cause and provide a firm time commitment required to complete their examination.
6. Parties and Council members examining witnesses must be present for entire witness panel cross-examination, and may be excused only for good cause shown.
7. The cumulative testimony rule is to be strictly enforced. A party may be limited to asking questions on previously covered material only to establish points of specific concern to that party.
8. The Administrative Law Judge is encouraged to limit unnecessary follow-up questions and insertion of needless detail and repetitious material into the record.
9. The evidentiary hearing may be conducted four days each week from 9:15 a.m. - 4:15 p.m. The Administrative Law Judge is directed to keep recess and lunch recess to a minimum. The Administrative Law Judge has the authority, with concurrence of the Chairman, to initiate a five-day hearing week if necessary to maintain established witness panel schedules. The Council reserves the right to consider six-day hearing weeks if necessary to maintain proper case progress.
10. The panel chairmen and the Council Chairman are authorized to develop schedules for panel and Council member coverage at hearings, as they consider appropriate.
11. The Council legal and application processing staff is directed to analyze all prefiled testimony and supporting documents and to identify concerns to ensure that all important matters are adequately addressed in the evidentiary record. Staff shall monitor hearings and identify additional concerns as may be appropriate. The Management Committee is directed

13. The Council Chairman is authorized to interpret and accomplish the intent of this Resolution through consultation with the Executive Secretary and the Administrative Law Judge as necessary. The Chairman shall consult as appropriate with Council members in exercising these responsibilities and shall report any actions he considers necessary to the Council.

Dated this 25th day of February, 1980.

WASHINGTON ENERGY FACILITY SITE  
EVALUATION COUNCIL

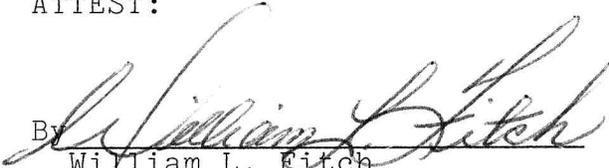
By



Nicholas D. Lewis  
Chairman

ATTEST:

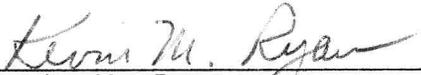
By



William L. Fitch  
Executive Secretary

APPROVED AS TO FORM:

By



Kevin M. Ryan  
Assistant Attorney General