

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 4992

DOCKETED 11/14/02
ATOMIC SAFETY AND LICENSING BOARD PANEL
SERVED 11/14/02

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Richard F. Cole
Thomas D. Murphy

In the Matter of

ARIZONA PUBLIC SERVICE COMPANY

(Palo Verde Nuclear Generating Station,
Unit 1)

Docket No. 50-528-OLA

ASLBP No. 03-804-01-OLA

November 14, 2002

ORDER
(Scheduling Status Conference)

1. This proceeding involves a request by the Arizona Public Service Company to amend the operating license for the Palo Verde Nuclear Generating Station, Unit 1 (hereinafter "Palo Verde"), by changing a facility technical specification (hereinafter "TS") to revise the scope of the required inspection of the tubes in the steam generator tubesheet region. In response to an October 3, 2002, notice of opportunity for hearing with respect to issuance of the requested license amendment, 67 Fed. Reg. 62, 079 (Oct. 3, 2002), the National Environmental Protection Center (hereinafter "NEPC") filed a Request for Hearing and Petition for Leave to Intervene on October 14, 2002, challenging the amendment request and the NRC Staff's proposed determination that the amendment request involves no significant hazards consideration, under the criteria set forth at 10 C.F.R. § 50.92(c). On November 5, 2002, after receipt of a Memorandum from the Secretary of the Nuclear Regulatory Commission, referring the request for hearing and petition for intervention to the Chief Administrative Judge of the Atomic Safety

and Licensing Board Panel, the Chief Administrative Judge established the above-listed Licensing Board to preside over the proceeding.

2. On November 4, 2002, the NRC Staff filed a Response to NEPC's request and petition, indicating among other things that a new Notice regarding the requested license amendment at issue (which was dated September 26, 2002, and supplemented by an October 23, 2002, letter) would be published in the Federal Register, on a non-exigent circumstances basis, that would "supersede[] and replace[] the exigent circumstances TS amendment notice of October 3, 2002, and will provide a further period of 30 days for the filing of public comments and petitions for leave to intervene." Thereafter, on November 8, 2002, Petitioner NEPC and its membership, through its Executive Director, Thomas Saporito, filed a Joint Amended Request for Hearing and Petition for Leave to Intervene.

3. In view of the new Notice, superseding and replacing the original October 3, 2002, Federal Register Notice, the Licensing Board has determined that it is appropriate to hold a status conference to address the effect of the new Notice on the current proceeding and on timelines for resolution of the matters at issue with regard to both Notices. To this end, a telephone conference has been scheduled for Monday, November 25, 2002, at 11:00 a.m. Eastern Standard Time. At this conference, all participants should be prepared to discuss any and all ramifications of the new Notice on all matters at issue in this proceeding, as well as any scheduling issues relating thereto, and any other issues appropriate for consideration at this time.

4. **Participants should call 301/231-5539 or 1-800/638-8081 a few minutes before 11:00 a.m. and give passcode 8523#, in order to be connected in to the November 25 conference.** If it will be impossible for any participant to participate in this conference, a request to reschedule shall be filed no later than the close of business November 21, 2002,

stating the basis for the request. In the event of such a request, the participant requesting it shall contact all other participants, ascertain other available dates and times for the conference, and notify the Licensing Board of potential dates agreeable to all participants for rescheduling the conference. Any such request shall also be sent by e-mail transmission, and shall include the text of the request in the email transmission, in order that all parties shall receive the contents of any such request by the close of business on November 21, 2002.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 14, 2002

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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Unit 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING STATUS CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann M. Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Thomas Saporito, Executive Director
National Environmental Protection Center
P.O. Box 1021
Tonopah, AZ 85354

Janet Smith Mueller, Esq.
Director of Law Department
P.O. Box 53999
Mail Station 8695
Phoenix, AZ 85072-3999

John E. Matthews, Esq.
Paul M. Bessette, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Docket No. 50-528-OLA
LB ORDER (SCHEDULING STATUS CONFERENCE)

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of November 2002