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DOCKETED  
USNRC

December 17, 2002 (8:14AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

November 8, 2002

Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: *Arizona Public Service Company (Palo Verde Nuclear Generating Station, Unit 1),  
Docket No. 50-528-OLA, ASLBP No. 03-904-01-OLA - Requests for Hearing and  
Petitions to Intervene Filed by the National Environmental Protection Center and  
Mr. Thomas Saporito*

Dear Secretary Vietti-Cook:

Arizona Public Service Company (APS) respectfully requests that further service on APS in the above-captioned matter be made to APS's Director of Law Department, Janet Smith Mueller, Esq., in lieu of service to Nancy C. Loftin, Esq. Ms. Mueller's address is as follows:

Janet Smith Mueller, Esq.  
Director of Law Department  
PO. Box 53999  
Mail Station 9820  
Phoenix, AZ 85072-3999

Federal Express:  
400 North Fifth Street  
Two Arizona Center, Mail Station 9820  
Phoenix, AZ 85004

Tel: 602-250-3723  
Fax: 602-250-3393  
email: janet.mueller@pinnaclewest.com

Service on Ms. Mueller should be made in addition to service to APS's counsel in this matter: Morgan Lewis & Bockius, LLP ("Morgan Lewis"). By copy of this letter to the service list, APS provides Notice of this request to the parties to the above-captioned proceeding.

This proceeding was initiated in response to a Request for Hearing and Petition for Leave to Intervene dated October 14, 2002 ("10/14 Petition") by the National Environmental Protection Center ("NEPC"). APS first received a copy of the 10/14 Petition on November 4, 2002. The Petition indicates that on October 14, 2002, a copy of the Petition was served by U.S. Mail on APS's General Counsel, Nancy C. Loftin, Esq., and APS's Response was therefore due to be filed by October 29, 2002. However, Ms. Loftin has never received the copy of the Petition served on October 14, and APS has not been able to verify any receipt of this copy. The undersigned counsel obtained a copy of the Petition by facsimile from the NRC's Office of the General Counsel on November 4, 2002. In addition, NEPC forwarded a copy by email to Ms. Loftin and the undersigned counsel on November 7, 2002, in response to an inquiry regarding service of the 10/14 Petition.

The 10/14 Petition was docketed with the NRC on October 23, 2002, and the Secretary of the Commission referred the Petition to the Atomic Safety and Licensing Board ("ASLB") Panel by Memorandum dated October 31, 2002. On November 4, 2002, the NRC Staff submitted its Response to Request for Hearing and Petition for Leave to Intervene Filed By the National Environmental Protection Center, and an ASLB was established to preside over this proceeding on November 5, 2002. On November 6, 2002, Morgan Lewis served its Notices of Appearance for John E. Matthews and Paul M. Bessette, appearing as counsel for APS.

On November 4, 2002, a second Request for Hearing and Petition for Leave to Intervene in this matter was submitted to the Commission by Mr. Thomas Saporito, Executive Director of NEPC (11/04 Petition). We understand from the NRC's Office of the Secretary that the 11/04 Petition has been forwarded to the ASLB, and APS received an electronic copy of the Petition. This second Petition indicates that it was served on APS on November 4, 2002.

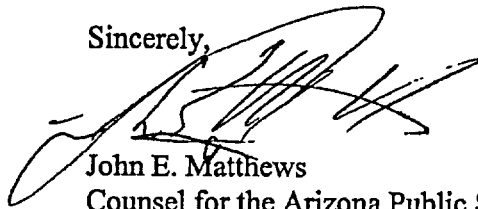
The 10/14 Petition and 11/04 Petition appear to raise similar, if not identical, issues with respect to the APS license amendment request submitted to the NRC on September 26, 2002. Thus, APS had prepared a motion to seek leave to file a consolidated Response to both Petitions (late-filed with respect to the 10/14 Petition), and APS had intended to file this motion today. However, Mr. Saporito and NEPC have now filed a third petition dated November 7, 2002, "Petitioners' Joint Amended Request for Hearing and Petition for Leave to Intervene" ("Joint Petition"). The Certificate of Service indicates that this Joint Petition was served on November 8, 2002, and APS's Response to the Joint Petition is therefore due

Annette L. Vietti-Cook  
November 8, 2002  
Page 3

Morgan, Lewis  
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on November 25, 2002. Given that the Joint Petition amends and restates both the 10/14 Petition and the 11/04 Petition, APS believes that there is no longer any need to seek leave to respond to those earlier petitions. Instead, APS intends to file a Response to the Joint Petition within the time provided by the NRC's rules at 10 CFR 2.714(c).

Sincerely,



John E. Matthews  
Counsel for the Arizona Public Service Company

c: Service List

“ UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

ASLBP No. 03-804-01-OLA

In the Matter of )  
 )  
ARIZONA PUBLIC SERVICE COMPANY ) Docket No. 50-528-OLA  
 )  
(Palo Verde Nuclear Generating Station, Unit 1) )  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Letter to the Secretary of the Commission were served upon the persons listed below by U.S. mail, first class, postage prepaid, with copies by electronic mail as indicated by an asterisk, this 8th day of November, 2002.

Office of the Secretary\* \*\*  
ATTN: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(e-mail: secy@nrc.gov and hearingdocket@nrc.gov)

Mr. Thomas Saporito\*  
Executive Director  
National Environmental Protection Center  
P.O. Box 1021  
Tonopah, AZ 85354  
(e-mail: nepc@thepostmaster.net)

G. Paul Bollwerk III, Esq.\*  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
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Ann M. Young, Chair\*  
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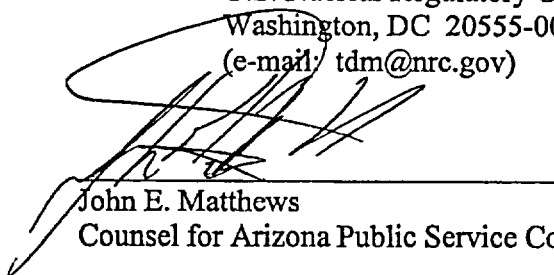
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\*\* Original and 2 copies

  
John E. Matthews  
Counsel for Arizona Public Service Company