

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Robert M. Lazo, Esquire, Chairman
Richard F. Cole, Ph.D.
A. Dixon Callihan, Ph.D



In the Matter of
ARIZONA PUBLIC SERVICE COMPANY, Et Al.
(Palo Verde Nuclear Generating Station,
Units 1, 2 and 3)

SERVED APR 17 1981
Docket Nos. STN 50-528-OL
STN 50-529-OL
STN 50-530-OL

April 16, 1981

NOTICE OF HEARING ON APPLICATION
FOR FACILITY OPERATING LICENSES

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and the regulations in Title 10, Code of Federal Regulations, Chapter 1, Part 50, "Domestic Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board) to consider the application for facility operating licenses filed by Arizona Public Service Company on behalf of itself and Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, Public Service Company of New Mexico and Arizona Electric Power Cooperative, Inc., (Joint Applicants).

The hearing will consider the issuance or denial of facility operating licenses which would authorize Joint Applicants to possess, use and operate Palo Verde Nuclear Generating Station, Units 1, 2 and 3, three pressurized water nuclear reactors (the facilities) located on the Joint Applicants' site in Maricopa County, Arizona, approximately 36 miles west of the City

8104210

522

of Phoenix. Construction of the facilities was authorized by Construction Permit Nos. CPPR-141, CPPR-142 and CPPR-143, issued by the Nuclear Regulatory Commission (the Commission) on May 25, 1976.

The hearing which will be held at a time and place to be set in the future by the Board, will be scheduled to begin in the vicinity of the site of the Palo Verde facilities and will be conducted by a Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Administrative Judge Richard F. Cole, Ph.D., Administrative Judge A. Dixon Callihan, Ph.D., and Administrative Judge Robert M. Lazo, Chairman.

On July 25, 1980, the Commission published in the Federal Register a notice of receipt of an application for facility operating licenses for Palo Verde Nuclear Generating Station, Units 1, 2, and 3 and notice of opportunity for hearing (45 FR 49732).^{1/} The Notice provided among other things that on or before August 11, 1980, any person whose interest may be affected by this proceeding may file a petition for leave to intervene in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. A timely petition for leave to intervene and request for a hearing was submitted by Patricia Lee Hourihan for herself as well as on behalf of two other persons. Petitioner was admitted as a party to the proceeding pursuant to the provisions of 10 CFR §2.714 during a prehearing conference on December 2, 1980, when the Board orally granted the petition for leave to intervene as to Ms. Hourihan.^{2/} (hereinafter referred to as "Intervenor.")

^{1/} The July 25, 1980, notice is a clarification of an earlier notice published in the Federal Register on July 11, 1980 (45 FR 46941-43).

^{2/} Tr. 16

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the Federal Register. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicants' environmental report dated June 19, 1980, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement when available may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant

to the provisions of 10 CFR §2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than thirty (30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than twenty (20) days from the date of publication of this notice in the Federal Register.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, ATTENTION: Docketing and Service Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR §2.708 of the Commission's Rules of Practice, an original and two (2) conformed copies of each such paper with the Commission.

It is so ORDERED

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Robert M. Lazo
Robert M. Lazo
Administrative Judge

Dated at Bethesda, Maryland,
this 16th day of April, 1981