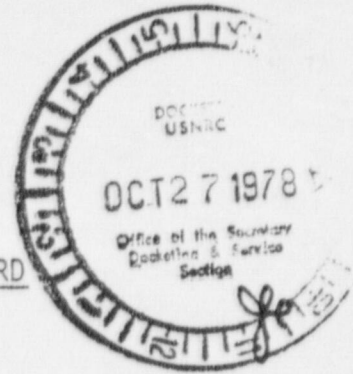


NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
PUBLIC SERVICE COMPANY OF OKLAHOMA,)
ASSOCIATED ELECTRIC COOPERATIVE, INC.)
and)
WESTERN FARMERS ELECTRIC COOPERATIVE,)
INC.)
(Black Fox Station, Units 1 and 2))

Docket Nos. STN 50-556 G
STN 50-557

ORDER

On July 28, 1978, Applicants filed a Motion To Supplement The Record Pursuant To Board Order Of November 1, 1977.^{1/} Therein Applicants requested that we admit into evidence three documents as Exhibits 27A, B and C^{2/} and stated that, when the clerical task of issuing the water permit had been completed, a motion would be filed requesting that said permit be admitted into evidence. On August 2, 1978, Intervenors

^{1/} The Order of November 1, 1977, while formally closing the record in the instant proceeding, stated that, as soon as possible, Applicants should furnish copies of the Stream Water Permit as approved by the Oklahoma Water Resources Board and that said document would be admitted into evidence as Applicants' Exhibit 27. We assumed that, if the OWRB issued a permit to withdraw water, said permit would be issued shortly after November 1, 1977.

^{2/} These documents were identified as follows:

- a. Findings of Fact, Conclusions of Law and Order of the Oklahoma Water Resources Board.
- b. Letter to Public Service Company of Oklahoma from the Oklahoma Water Resources Board.
- c. Letter to one of Applicants' attorneys from Public Service Company of Oklahoma.

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responded opposing the granting of the Motion and, on August 17, 1978, the NRC Staff responded in favor of granting the Motion.

However, prior to the filing of the instant Motion, the Board had issued on July 24, 1978 the Partial Initial Decision Authorizing Limited Work Authorization, LBP-78-26, 8 NRC 102^{3/}. Accordingly, we deny the instant Motion since, as of July 24, 1978, the Appeal Board has sole jurisdiction to act thereon.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Sheldon J. Wolfe
Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 26th day of October, 1978.

^{3/} Therein, at Finding 46, inter alia, we stated that ". . . Applicants have filed an application for a permit to withdraw [water] with OWRB, which is pending.", that ". . . Tulsa has water rights which have been conveyed to PSO", that ". . . while details of the means of delivery of water have to be worked out, there is ample time to do this before water is needed for operation of Black Fox", and that "The Applicants are not required to have every permit in hand before an LWA is authorized".