

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL 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
STN 50-557

NRC STAFF RESPONSE TO APPLICANTS'
MOTION TO SUPPLEMENT THE RECORD ON APPEAL

During the course of the environmental and site suitability hearing in the captioned matter, the Atomic Safety and Licensing Board heard testimony concerning the ability of the Applicant to remove its cooling water allocation from the Verdigris River. Tr. 3781-86. Testimony at the hearing showed that the Applicant had applied for a stream water permit from the Oklahoma Water Resources Board (OWRB) to take water from the Verdigris River. Tr. 3786. That application was labeled Applicant's Exhibit 26 and was moved into evidence by stipulation of all parties in Applicants' Motion to Supplement the Record dated October 25, 1977. In an Order dated November 1, 1977, the Licensing Board admitted the application into evidence and ordered that the Stream Water Permit, when granted, be furnished for the record as Applicants' Exhibit 27. Board Order dated November 1, 1977 at 2.

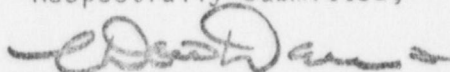
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On July 28, 1978, the Applicant moved the Licensing Board to supplement the record by admitting into the record the July 11, 1978 OWRB Findings of Fact and Conclusions of Law, and the July 11, 1978 OWRB Stream Water Permit as Applicants' Exhibits 27A and B, respectively. That motion was denied by the Licensing Board on the grounds that the Appeal Board had jurisdiction over matters since the record of the results of the environmental and site suitability hearing was before the Appeal Board for review. October 26, 1978 Licensing Board Order at 2. On October 31, 1978 the Applicant filed a motion with the Appeal Board to admit these two documents into the record of the proceeding.

For the reasons stated in the Applicants' Motion, the NRC Staff believes that the two documents should be admitted into the record of this proceeding.^{1/}

Respectfully submitted,



L. Dow Davis
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of November, 1978

^{1/} The Appeal Board has previously received evidence of supervening developments related to issues before it. See Gulf States Utilities Co. (River Bend Units 1 & 2), ALAB-383, 5 NRC 609 (1977).

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INC.)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO APPLICANTS' MOTION TO SUPPLEMENT THE RECORD ON APPEAL", dated November 9, 1978 in the above-captioned proceeding, have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 9th day of November, 1978:

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