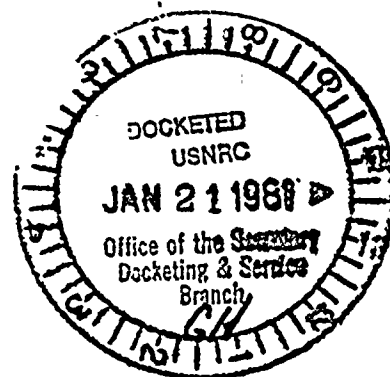


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January 13, 1981

Docketing and Service Section
U. S. Nuclear Regulatory
Commission
Washington, D.C. 20555

DOCKET NUMBER
PROD. & UTIL. FAC. 50-528/529/530

Dear Sirs:

This is to notify you that this office represents Patricia Lee Hourihan, 6413 S. 26th Street, Phoenix, Arizona 85040 in her claim against the Arizona Public Service Company for their action on December 11, 1980 which invaded her privacy and interfered with her rights of unimpeded interstate communication.

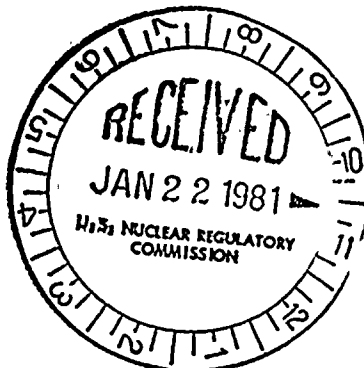
Said actions were taken within a short period after Ms. Hourihan was permitted status as an Intervenor in the case currently before the Nuclear Regulatory Commission involving the Arizona Public Service Company (Docket Nos. STN50-528, STN50-529, STN50-530).

If any correspondence originates from your office on this matter to Ms. Hourihan please forward copies to this office.

Thank you for your courtesy and cooperation in advance.

Very truly yours,

James S. Tobin
James S. Tobin



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THE FRONT PAGE

"Hello, Mom?..."
"No, This is APS."

by Michael Lacey

Are you tired, just a bit bored, with the idea of wiretapping? When was the last time anyone you thought of as a sick, twisted beast, got taken off the street because someone wiretapped his phone? It's always some half dead Sicilian or some wayward, threadbare drug boob that invites government or corporate surveillance. In any case, the issue isn't something you want to mull over during the holiday season.

Here it was Saturday afternoon and for the first time in over a week there wasn't Christmas shopping for some dimly remembered relative to be done. The much ballyhoed football game without announcers was on television and it seemed like the perfect escape from the pressure of the holidays. NBC, lacking a glamour team of sportscasters of their own, decided to bait all the rubes that hate Howard Cosell by broadcasting the Jets-Dolphins game without commentary. But it was impossible to concentrate on the game. With only the sound of popping beer cans for distraction, thoughts of someone fooling around with Lee Hourihan's phone kept intruding.

Because of Lee, Arizona's largest utility will have to appear before the Atomic Safety and Licensing Board to answer the technical objections she has raised about the safety of the Palo Verde Nuclear Power Plant outside of Phoenix. After an arduous examination of Hourihan's position the government admitted that she had raised "valid considerations" and that these issues should be reviewed in a formal proceeding. On Thursday, December 11, an attorney with Snell & Wilmer (representing Arizona Public Service) and counsel for the Nuclear Regulatory Commission signed proceeding papers with Lee.

The next day someone started fooling with Lee Hourihan's phone.

Most anti-nuke people weave elements of an alternative lifestyle into their daily routine but you can only take the alternative lifestyle so far. You can live in a teepee, shun meat for sprouts, get around on a bicycle, cook in a solar oven, but if you want to hear the sound of your parents voice at Christmas you just can't send smoke signals cross-country.

Lee attempted to call her mother long distance by dialing direct. A woman answered the phone and said, "...Arizona Public Service, Operations Center." Repeated efforts got the same results. A neighbor was summoned to Hourihan's home to dial for Lee's mother. The neighbor got Arizona Public Service, Operations Center. A second neighbor called Hourihan's mother from Lee's phone and got Arizona Public Service, Operations Center. Calls to a second long distance number, Hourihan's father, also reached Arizona Public Service, Operations Center.

Attempts to reach Hourihan's parents a few days later again produced Arizona Public Service, Operations Center.



Lee Hourihan

PHOTO BY ELLEN BARNES

Perhaps we should turn the nuclear power plants over to organized crime

Howard Cosell would have had a field day describing Lee Hourihan and her funny phone.

Thoughts of wiretap entered the Hourihan household and even without dipping into the paranoia stockings, a bugged phone is a rude chestnut to digest at Christmas.

If it's worth fooling with her phone, you have to wonder just how threatening Hourihan is. Maybe that's hard to say. I don't know. Have you ever met an anti-nuker? They pretty much look the part: organic, pro-vegetable and in circles of power it's acknowledged that they're a lot less dangerous than an attorney from Snell and Wil-

Dan Green, Director of Communications for APS, couldn't really put a concrete dollar figure on how much Hourihan's intervention against the nuke plant was going to cost the utility by the certainly didn't seem concerned enough to wait anyone's phone tapped. Heck, he allowed as how, "Generally, a well thought out intervention ultimately can lead to a safer facility."

As far as the folks at APS are concerned we're all one big happy nuclear family. Pete Klute, Manager of Public Information for APS strongly denied that APS was doing anything with Hourihan's phone. "Like everybody, I think of it as being a strange

situation. We talked to the phone company and it sounds like a central office malfunction of some sort. I certainly hope she gets her problem with the phone company straightened out so that she can talk to her mom."

A phone company source familiar with bugs, wiretaps and assorted monkey business from years of work as a spook said she thought there was absolutely no technical explanation i.e. "central office malfunction of some sort" that could explain what happened to Hourihan's phone. "Someone," said the source, "is fooling with her phone and they botched it."

Rudy Paz, with Mountain Bell, said, "When you dial two different numbers and you get APS that kind of worries me. That's not co-incidental." But after having his people check the phone he said he couldn't explain what had happened and that Mountain Bell wasn't able to find a tap on the line.

Well, this is a lot of irritating information to juggle when you're supposedly watching a silent game of football. Just trying to relax. With thoughts of the Bill of Rights, Nuclear Power and wiretaps about, as welcome as close ups of a crucifixion. Oh, for the jabber of Brent, Phyllis, Jimmy and Irv.

Instead, the television showed very quiet, boring, touchdown scores. With no audio hoopala to distract, the image of Governor Bruce Babbitt surfaced. He was repeating his recent speech on nuclear power, giving it his blessing, saying that the lesson of Three Mile Island was that nuclear power worked but that humans sometimes failed. The humans had to get more organized. Certainly there is agreement that the humans fooling with Lee Hourihan's phone could be more organized.

And for no apparent reason, other than the fact that John Madden wasn't supplying any verbal color for the game, a newspaper article was recalled. Last week Senator Gore, from Tennessee, had discovered that organized crime was taking over the hazardous waste business.

Was this the answer to nuclear power plant management problems?

If they are organized enough to do a professional job of dealing with hazardous nuclear waste — and hasn't Las Vegas always seemed like an efficient operation to you — then perhaps we should take the management of nuclear power plants away from the utility companies and entrust it to organized crime.

I admit the thought would never have occurred if Mr. Cosell had been broadcasting the game.

APS denies tap on N-plant foe bugged by wayward

By JANE KAY
The Arizona Daily Star

The only private citizen to have won official status as a protester in the licensing procedure for the state's first nuclear power plant said yesterday she believes its main bulder, the Arizona Public Service Co., has illegally tapped her telephone.

"The day after I sign legal papers with the Nuclear Regulatory Commission, the only long-distance numbers I call on a regular basis end up being answered by APS," said Patricia Lee Hourihan of Phoenix.

APS personnel denied that the utility tapped anyone's

phone, and said the misconnections were a puzzling "coincidence."

"It's more than coincidence to me," Hourihan said.

Martha McKinley, a public information officer at APS, said yesterday, "Obviously, we are not tapping her phone. We have no explanation why it's happening."

McKinley verified that Hourihan's attempts to make long-distance calls were reaching APS internal departments — one an operations center at Deer Valley that has an unlisted telephone number.

Hourihan met with APS and NRC lawyers Dec. 9 and 10, negotiating a list of objections — called contentions — to the operation of the Palo Verde Nuclear Generating Station, now under construction by APS and four other utilities 35 miles west of Phoenix.

On Dec. 11, daytime calls to her parents' two telephone numbers in Boston were answered by various APS employees, who were as surprised as she was by the strange connection, she said.

Other local and long-distance telephone calls went through unhampered, she said. But the calls to Boston were "touch and

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TUCSON, ARIZONA, TUESDAY, DECEMBER 23, 1980

phone calls

go," she said. At night, "when APS offices were closed," the calls would go through sometimes. And at other times, they would go dead, Hourihan said.

After summoning two neighbors to try the calls on her phone, and getting their verification that the calls ended up at APS offices, Hourihan reported the problem to Mountain Bell Dec. 15.

She said the misconnections ended Thursday after the telephone company replaced her two telephones and some wiring.

(See BOSTON/APS, Page 3A)

Boston/APS calls spur tap charges, denials

(Continued from Page One)

ing both inside and outside her house.

"APS does not — has not — engaged in wire-taps on anyone's phone," Peter Klute, APS manager of public information, said yesterday. "At best, it's a coincidence. Frankly, it's a mystery to us. Our expertise is not in telephones."

"All I know is that gremlins get into things electronic, and telephones are electronic," Klute said.

At Mountain Bell in Phoenix, Tom Nelson of the security division said his "plant people found nothing" on Hourihan's telephone line.

Dialling the Boston numbers in Mountain Bell's test center and physically inspecting the system revealed nothing that could be causing it, Nelson said.

His staff did not try to dial the Boston numbers from her house because they said she had gotten through that morning with no problems, according to Nelson.

"We did find a wire that went out from the house that had been chewed up by a dog," Nelson said.

"I'll be very honest. I have no idea what happened. I have no explanation for it whatsoever."

Nelson said his employees completely changed

her equipment, replacing wires, the line to the central office and the line-group terminal.

Tapping could go on at the central office without a customer's knowing it, said Kate Milner, also in the Phoenix security division.

But such taps are done only when Mountain Bell is complying with a court order, Milner said, adding, "It's very difficult to get court orders."

Hourihan's neighbor, beekeeper Fred Terry, said he dialed one of the Boston numbers on Hourihan's telephone twice Dec. 14. "I dialed 1, the area code and seven numbers, and I got APS."

Another neighbor, state Rep. Renz D. Jennings, D-Phoenix, said he also called one of the Boston numbers from Hourihan's telephone Dec. 14. A person named Mary Bell answered the telephone at an APS office, Jennings said.

Hourihan said she will seek legal advice on taking action against the utility, "although I have my hands full as an intervenor."

"APS has apologized profusely for the inconvenience I've been through, but I think I've been wiretapped."

APS spokesman Klute called the matter an "irony, because we've been working with her on her intervention. We have not opposed it. We're working with the NRC to come up with conten-

tions that the Atomic Safety and Licensing Board can review."

Federal laws allow citizens to apply for an intervenor status. If they are accepted by the NRC, the citizens can offer contentions asking for changes in the operation of a power plant.

Earlier, this month, when Hourihan was granted the status, she said she hoped to delay the plant's license if she could not stop it altogether.

By last week, she and the utility had agreed on discussing the following contentions in a public hearing:

- More radioactive materials will be released in the normal operation of the power plant than APS has admitted.

- Treated effluent from Phoenix is insufficient to cool the plant for the first five years.

- Financing of the plant has not fully taken into account decommissioning costs.

- Support systems and equipment inside the containment building are of questionable safety because they are based on Engineering Testing Labs' falsified tests on concrete slump.

The utilities are opposing the inclusion of six other allegations, which they say have no place in the hearing procedure. The NRC's Atomic Safety and Licensing Board will agree on the final contentions next month.



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

ARIZONA PUBLIC SERVICE COMPANY,)
ET AL.)

(Palo Verde Nuclear Generating)
Station, Unit Nos. 1, 2, and 3))

Docket No.(s) 50-528
50-529
50-530

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

21st day of Jan 1981.

Peggy H. Browning
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ARIZONA PUBLIC SERVICE COMPANY, ET AL.

(Palo Verde Nuclear Generating Station,
Units 1, 2 and 3)

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) Docket No.(s) 50-528
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) 50-530
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