

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
ARIZONA PUBLIC SERVICE )  
COMPANY, et al. )  
Palo Verde Nuclear Generating )  
Station, Units 4 & 5 )

DOCKET NOS. STN 50-592  
STN 50-593

JOINT APPLICANTS' RESPONSE TO THE CALIFORNIA  
PUBLIC UTILITIES COMMISSION'S MOTION SEEKING  
EXTENSION OF TIME WITHIN WHICH TO FILE  
COMMENTS TO DRAFT ENVIRONMENTAL IMPACT STATEMENT

On May 18, 1979, joint applicants Arizona Public Service Company, Southern California Edison Company, El Paso Electric Company, San Diego Gas & Electric Company, Nevada Power Company, Department of Water and Power of the City of Los Angeles, City of Anaheim, City of Burbank, City of Glendale, City of Pasadena, and City of Riverside (the "Joint Applicants") received a copy of the California Public Utilities Commission's ("CPUC") Motion seeking an extension of time until July 1, 1979, within which CPUC may file its formal comments with the Nuclear Regulatory Commission ("Commission") regarding the Draft Environmental Statement ("DES") for Palo Verde Units 4 and 5. While Joint Applicants believe that an extension of time until July 1, 1979 is

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excessive, Joint Applicants are not opposed to an extension of time until June 26, 1979.

Prior to discussing CPUC's request, Joint Applicants wish to point out that comments on the DES are due by June 11, 1979, and not June 4, 1979, as was originally announced in the Federal Register of April 23, 1979. See 44 Fed. Reg. 27735, 27737, 27739 (May 11, 1979).

Joint Applicants believe that two matters need to be considered respecting CPUC's request. The first is the Commission's regulations regarding comments on draft environmental statements. Under 10 C.F.R. §51.25, distribution of a draft environmental statement is to be accompanied by a request for comments within forty-five (45) days or such longer period as the Commission may specify. In the case of the DES for Palo Verde Units 4 and 5, a forty-five (45) day period was specified. Section 51.25 further provides that "[t]he Commission will endeavor to comply with requests for extensions of time up to fifteen (15) days." (Emphasis supplied). Under the regulation it appears that the maximum extension of time which the Commission need consider is fifteen days. If the comment period for the Palo Verde Units 4 and 5 DES is extended by fifteen days, the deadline for receiving comments would become June 26, 1979.

The second matter to be considered is the schedule for completing the public hearing for Palo Verde Units 4

and 5. In its "Order Following Special Prehearing Conference" dated March 6, 1979, this Licensing Board established a schedule consisting of two time periods. The second of these time periods runs from the date of issuance of the Final Environmental Statement (FES). Although CPUC states in its Motion that granting the relief requested would not detrimentally affect the hearing schedule, Joint Applicants submit that there would be a day-for-day slippage in issuance of the FES if the comment period for the DES is extended. And for each day's delay in issuance of the FES, there would be a corresponding delay in the start of the evidentiary hearing. For this reason Joint Applicants believe that any extension in the comment period should be limited to fifteen days as suggested in the Commission's regulations.

Based on the foregoing, Joint Applicants submit that the comment period for the DES for Palo Verde Units 4 and 5 should not be extended beyond June 26, 1979.

RESPECTFULLY SUBMITTED this 31st day of May, 1979.

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Docket Nos. STN 50-392

STN 50-393

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served upon the following listed persons by deposit in the United States mail, properly addressed and with postage prepaid.

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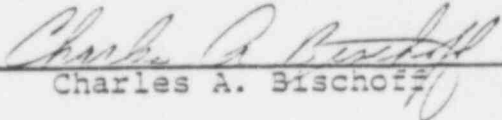
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