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~~NRC PUBLIC DOCUMENT ROOM~~

BEFORE THE  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C.

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In re :  
Application of :  
OMAHA PUBLIC POWER DISTRICT : Docket No. 50-285  
For amendment to :  
Facility Operating License No DPR-40: :  
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REQUEST FOR HEARING

Communications with respect to  
this document may be sent to



Citizens Advisory Board  
Metropolitan Area Planning Agency  
Suite 200  
7000 West Center Road  
Omaha, Nebraska 68106

Alan H. Kirshen, Assoc. Prof. of Law &  
Chairman, Natural Resources Comm.  
MAPA Citizens Advisory Board  
c/o Creighton University School of Law  
2133 California Street  
Omaha, Nebraska 68178

Date: October 8, 1979

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B E F O R E   T H E   N U C L E A R  
R E G U L A T O R Y   C O M M I S S I O N  
W A S H I N G T O N   D . C .

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| In re                          | : |
| Application of the             | : |
| OMAHA PUBLIC POWER DISTRICT    | : |
| For amendment to               | : |
| Facility Operating License No. | : |
| DPR-40                         | : |
| -----                          |   |

Docket No. 50-285

REQUEST FOR HEARING

COMES NOW the Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency, as authorized by the Executive Committee of said Citizens Advisory Board, by its Chairman and attorney in fact Alan H. Kirshen, and for its request for hearing in this matter states as follows:

1. The Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency is an officially constituted working committee of the Citizens Advisory Board, which was created by the Metropolitan Area Planning Agency, a Council of Public Officials in the Omaha, Nebraska area, and whose members serve in an official advisory capacity to those two bodies in the planning of matters of concern to the

agency. In addition, the Committee provides a means of review and citizen input with respect to matters of community or regional concern in the natural resources and environmental areas, and from time to time provides such review and comment independent of official MAPA action or position, including review and comment pursuant to Chapter 62 and Section 3334, Title 42, United States Code.

2. In the course of the foregoing functions, the Natural Resources Committee has had occasion to consider the environmental and safety implications of "stretch power" at Fort Calhoun Station, Unit No. 1 (the facility), which is the subject of the instant Omaha Public Power District (licensee) application for amendment of its Facility Operating License. In the course of those deliberations, which first arose in the context of an application by licensee to the Nebraska Department of Environmental Control for modification of its National Pollution Discharge Elimination System (NPDES) authorization to discharge into the Missouri River at the facility, it was represented by the licensee that many of the matters raised by the Natural Resources Committee would be better addressed in the context of the instant application to the Nuclear Regulatory Commission. Moreover, it was the determination of the Nebraska Department of Environmental Control to hold licensee's application in abeyance pending resolution of the instant proceeding.

3. Because of the significant public interest in licensee's application, as manifested by the Natural Resources Committee and others, and because of the several questions of environmental impact and safety which have been raised, the Natural Resources Committee submits that it would be in the public interest to convene a hearing in this cause, and that the public interest requires a hearing in which citizens who could be adversely affected in the event of an accident at the facility, perhaps occasioned by the modifications sought in this proceeding, or by increased thermal discharges which will result from the modifications herein sought, could appear and have an opportunity to be heard on these matters and other matters of public concern pertinent to this application. Such a public hearing would further the spirit of citizen input into governmental processes expressed in numerous Federal statutes, including the Administrative Procedure Act, which spirit should not be thwarted because this proceeding is deemed adjudicative rather than regulatory.

4. In order to make any public hearing meaningful, with a real opportunity for the public and for members of this Committee to be heard, while recognizing that the place of hearing is to be determined by the Commission, the Committee prays that this hearing be scheduled for Omaha or Blair, Nebraska, and further prays that notice of said hearing be given in the media of general circulation in the Omaha area in addition to the notice specified in Section 2.104, (a) Title 10, Code of Federal

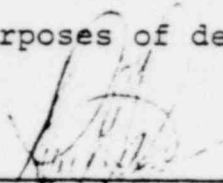
WHEREFORE, the Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency prays that, because of the public interest in licensee's application and questions raised thereby, the Commission find that a hearing in this matter is in the public interest, and order that same be held in the Omaha, Nebraska area with notice to the public as prayed for herein.

By

COUNTY OF DOUGLAS)  
 ) ss  
STATE OF NEBRASKA)

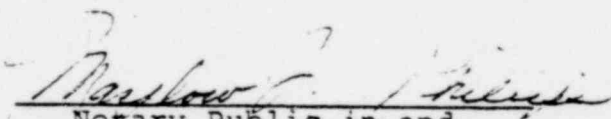
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my signature hereon is affixed hereto in that capacity, and as attorney in fact therefor to the extent that this be required by Section 2.713(a), Title 10, Code of Federal Regulations, that this Request for Hearing has been duly authorized by the Executive Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency, that he prepared and has read the Request for Hearing herein, that the statements therein are true to the best of his knowledge, information and belief, and that same is not interposed for purposes of delay.

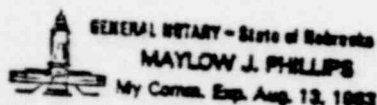


Alan H. Kirshen

SUBSCRIBED TO AND SWORN before me, this 7<sup>th</sup> day of October, 1979

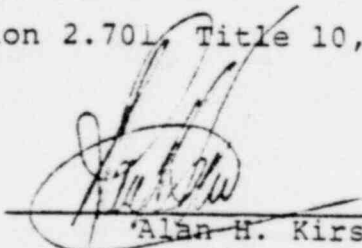


Notary Public in and  
for said County and State



CERTIFICATE OF SERVICE

I, Alan H. Kirshen, Chairman and attorney in fact of the Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency, hereby certify that I served the foregoing Request for Hearing on the 9<sup>th</sup> day of October, 1979, by mailing true copies thereof, postage prepaid, to all parties of record in the above-entitled proceeding, and to the staff of the Commission as required by Section 2.701, Title 10, Code of Federal Regulations.



Alan H. Kirshen

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