

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 and 5)
_____)

DOCKET NOS. STN 50-592
STN 50-593

JOINT APPLICANTS' ANSWER TO INTERVENOR
LARRY BARD'S MOTION SEEKING EXTENSION OF
TIME FOR FIRST ROUND DISCOVERY REQUESTS

On June 4, 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 Intervenor Larry Bard's motion seeking an extension of time for answering and filing first round discovery requests to July 1, 1979.

First round discovery requests by the three parties were to be filed 30 days after issuance of the Draft Environmental Statement (DES). Assuming the date of the

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notice of availability of the DES for Palo Verde Units 4 and 5, April 19, 1979, constitutes the date of issuance of the DES, first round discovery requests were to be filed by May 21, 1979. Under Section 2.740b of the Commission's Rules of Practice, written interrogatories are to be answered within 14 days after service. Joint Applicants' interrogatories were served on May 21, 1979; therefore, answers were to be served by Mr. Bard by June 4, 1979.

Mr. Bard gives four reasons in support of his request. It is Joint Applicants' position that the reasons given do not constitute an adequate basis for granting Mr. Bard's motion. Therefore, Joint Applicants respectfully request that this Licensing Board issue an order denying the motion and directing Mr. Bard to file his discovery requests and answers to Joint Applicants' interrogatories within five (5) days of the date of his receipt of the Board's order. As such an order would in effect grant Mr. Bard an extension of more than 30 days, compliance with the order should not present a hardship to Mr. Bard.

Joint Applicants do wish to comment briefly on some of Mr. Bard's statements respecting his attempts to obtain materials from Joint Applicants on an informal basis. Joint Applicants refer specifically to Mr. Bard's statements on the second page of his request that attorneys for Joint Applicants have failed to return his phone calls on two occasions, and that as of the date of his motion, he had

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received no information requested from the Joint Applicants informally.

As far as the phone calls are concerned, Joint Applicants do acknowledge that Mr. Bard did call the attorneys for Joint Applicants on May 22, 1979. The undersigned attorney attempted to reach Mr. Bard that same day but neither Mr. Bard nor anyone else answered the phone. The undersigned attorney also attempted to reach Mr. Bard during normal working hours on May 23, May 24, and May 25, 1979, with the same result. It was not until the following week that Joint Applicants were able to reach Mr. Bard at the number left by him.

With reference to Mr. Bard's statement that he had not received any information requested informally by him, Joint Applicants wish to note that Mr. Bard was provided with the following documents per his request on March 9, 1979:

1. One copy of the Palo Verde Nuclear Generating Station, Units 4 and 5 (PVNGS 4 & 5) Environmental Report, Construction Permit Stage (ER-CP), Volumes 1-6.
2. One copy of References 1, 4 and 5 of Section 10.2, Plant Design Alternatives, of the PVNGS 4 & 5 ER-CP;

Reference (1) Harshbarger & Associates,
"Groundwater Development
Alternatives, PVNGS 4 and 5,"
Tucson, Arizona, October 19,
1977.

Reference (4) Management Research, Inc.,
"Economic Benefits to Arizona
of Alternative Uses of Efflu-
ent from 23rd and 91st Avenue
Sewage Disposal Plants,"
Phoenix, Arizona.

Reference (5) Goff, J.D., "Municipal Wastewater Reuse Priorities for Metropolitan Phoenix," ASCE Reprint 2943. Presented at ASCE Fall Convention, October 17 through 21, 1977.


3. One copy of the PVNGS 4 & 5 Preliminary Safety Analysis Report (PSAR), Volumes 1-17.
4. One copy of the PVNGS 4 & 5 Construction Permit License Application.

In sum, Joint Applicants have attempted to cooperate with Mr. Bard and provide documents which he requests on an informal basis, and intend to continue doing so in the future.

RESPECTFULLY SUBMITTED this 15th day of June,
1979.

SNELL & WILMER

By


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Docket Nos. STN 50-592
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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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Dated: June 15, 1979

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