

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 and 5))

Docket Nos. STN 50-592
STN 50-593

MOTION OF THE ENVIRONMENTAL DEFENSE FUND
FOR LEAVE TO FILE A REPLY TO THE NRC
STAFF'S AND JOINT APPLICANTS' RESPONSES
TO ITS PETITION FOR LEAVE TO INTERVENE

The Environmental Defense Fund (EDF) moves for leave to file a reply to the responses of the NRC staff and the joint applicants to EDF's Petition for Leave to Intervene in the above-captioned matter pursuant to 10 CFR §2.730. These responses contain serious factual inaccuracies, citation of inapposite cases and inaccurate analyses of the applicable statutes and regulations. In order for the Atomic Safety and Licensing Board to reach a fair decision on whether to permit EDF to intervene in this matter, these inaccuracies must be corrected.

For example, the NRC staff's response states that EDF's contention is legally insufficient because EDF does not

" . . . allege that a given alternative is technically feasible and available in the time frame needed"^{1/} Contrary to this assertion, EDF's Petition for Leave to Intervene flatly states that:

. . . . [T]here are feasible, presently available alternatives to the construction of Palo Verde Nuclear Generating Station Units 4 and 5 which will provide the same energy yield in the same time period^{2/}

WHEREFORE, EDF moves for leave to file a reply to the responses of the NRC staff and the joint applicants to EDF's Petition for Leave to Intervene.

Respectfully submitted,

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June 1, 1979

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^{1/} NRC Staff's Response to Petition for Leave to Intervene of Environmental Defense Fund at 7 (May 18, 1979) (NRC Staff Response) (emphasis added). See also Joint Applicants' Response to the Petition for Leave to Intervene of the Environmental Defense Fund at 13 (May 18, 1979).

^{2/} EDF Petition for Leave to Intervene at 6 (May 3, 1979) (emphasis added). Significantly, the NRC staff in conceding that EDF has justified its untimely petition states that "EDF has . . . made a convincing case that it may reasonably be expected to assist in developing a sound record on . . . alternative energy sources." NRC Staff Response at 3 (emphasis added). In light of this dramatic concession, the staff's opposition to the technical adequacy of EDF's contention on alternative energy potentials is difficult to comprehend.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion of the Environmental Defense Fund for Leave to File a Reply to the NRC Staff's and Joint Applicants' Responses to Its Petition for Leave to Intervene have been mailed, postage prepaid, or hand delivered this 1st day of June, 1979, to the following:

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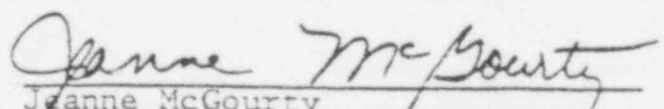
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