

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

NRC PUBLIC DOCUMENT ROOM

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 MOTION OF THE  
ENVIRONMENTAL DEFENSE FUND FOR LEAVE TO FILE  
A REPLY

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 the Environmental Defense Fund's ("EDF") motion for leave to file a reply to the NRC Staff's and Joint Applicants' responses to its petition for leave to intervene, dated June 1, 1979. Joint Applicants oppose the motion on the grounds that EDF has failed to provide a sufficient basis for its request.

EDF's untimely Petition for Leave to Intervene was filed on May 3, 1979. Responses to EDF's Petition were filed

341 304

7907190453

G

by the NRC Staff and Joint Applicants. Section 2.714 of the Commission's Rules of Practice provides that any party to a proceeding may file an answer to a petition for leave to intervene. A petitioner is not granted a right to reply to an answer to its petition under the Commission's regulations.

EDF has filed its motion for leave to file a reply pursuant to Section 2.730. In support of its motion, EDF alleges that the responses of the NRC Staff and the Joint Applicants contain "factual inaccuracies, citation of inapposite cases and inaccurate analysis of the applicable statutes and regulations." (Motion at 1). These allegations fail to establish a sufficient basis for granting EDF's request. The record before this Licensing Board respecting EDF's Petition is complete; to permit EDF to file a reply would delay the Board's determination of whether the Petition meets the requirements for intervention. Therefore, Joint Applicants respectfully request that the Board enter an order denying EDF's motion for leave to reply.

RESPECTFULLY SUBMITTED this 18th day of June, 1979.

SNELL & WILMER

By Charles A. Bischoff  
Arthur C. Gehr  
Charles A. Bischoff  
3100 Valley Center  
Phoenix, Arizona 85073  
Attorneys for Joint Applicants

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

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.

Robert M. Lazo, Esq., Chairman  
Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Atomic Safety and Licensing  
Appeal Board  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Commissioner Victor Gilinsky  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

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

Dr. Quentin J. Stober  
Research Associate Professor  
Fisheries Research Institute  
University of Washington  
400 Northeast 15th Avenue  
Seattle, Washington 98195

Vincent MacKenzie, Esq.  
Janice E. Kerr, Esq.  
J. Calvin Simpson, Esq.  
California Public Utilities  
Commission  
5066 State Building  
San Francisco, California 94102

Stephen M. Schink, Esq.  
Counsel for NRC Staff  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Mr. Larry Bard  
P. O. Box 793  
Tempe, Arizona 85281

George Campbell, Chairman  
Maricopa County Board of  
Supervisors  
111 South Third Avenue  
Phoenix, Arizona 85004

Michael M. Grant, Esq.  
Assistant Attorney General  
200 State Capitol  
1700 West Washington  
Phoenix, Arizona 85007

Donald G. Gilbert  
Executive Director  
Arizona Atomic Energy Commission  
2929 West Indian School Road  
Phoenix, Arizona 85017

Tom Diamond, Esq.  
1208 First City National Bank  
Building  
El Paso, Texas 79901

Ron W. Watkins  
Vice President  
San Diego Gas & Electric Co.  
San Diego, California 92212

David Mastbaum  
David B. Roe  
Environmental Defense Fund  
2606 Dwight Way  
Berkeley, California 94704

Kathryn Bukett Dickson  
Mark J. Urban  
Counsels for the California  
Energy Resources Conservation  
111 Howe Avenue  
Sacramento, California 95825

Alan R. Watts, Esq.  
Rourke & Woodruff  
1055 N. Main Street  
Suite 1020  
Santa Ana, California 92701

Ralph G. Wesson, Esq.  
Assistant City Attorney for  
Water and Power  
P. O. Box 111  
Los Angeles, California 90051

Stephen V. Quesenberry  
Lester J. Marston  
George Forman  
California Indian Legal Services  
1860 So. Escondido Boulevard  
P. O. Box 2457  
Escondido, California 92025

  
Charles A. Bischoff

Dated: June 18, 1979