

FRANK L. SNELL
JOSEPH T. MELCZER, JR.
NICHOLAS H. POWELL
DON CORBITT
RICHARD SNELL
BURR SUTTER
ROLAND R. KRUSE
ARTHUR C. GEHR
RICHARD MALLERY
JERON D. NORBERG
JON S. COHEN
WARREN E. PLATT
JAY D. WILEY
LAWRENCE WRIGHT
PETER J. RATHWELL
BRUCE D. PINGREE
JAMES W. REYNOLDS
DONALD D. COLBURN
MARY J. LEADER
S. R. NIELSEN
WILLIAM H. DOUGLAS
LAWRENCE F. WINTHROP
ROBERT J. GIBSON
RICHARD K. MAHRLE
BARRY D. KALPERN
THERESA A. GABALDON
WILLIAM R. HAYDEN

MARK WILMER
EDWARD JACOBSON
THOMAS E. SUNDERLAND
MAYNARD P. GOUDY
FREDERICK K. STEINER, JR.
JOHN J. BOUMA
JOHN P. PHILLIPS
H. WILLIAM FOX
ROBERT C. BATES
LOREN W. COUNCE, JR.
THOMAS J. REILLY
GUY G. GELERON
WILLIAM A. HICKS, III
GEORGE H. LYONS
DANIEL J. MAULIN
STEVEN M. WHEELER
CHARLES K. AYERS
MICHAEL D. TERRY
DOUGLAS W. SEITZ
JOSEPH T. MELCZER III
ROBERT B. HOFFMAN
MARCIA J. BUSCHING
DAVID P. HERSKOVITS
KENNETH D. NYMAN
CHARLES A. BISCHOFF
JOEL P. HOXIE
ROGER K. SPENCER

LAW OFFICES
SNELL & WILMER

3100 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073

(602) 257-7211

May 14, 1979

NRC PUBLIC DOCUMENT ROOM



Honorable Joseph M. Hendrie
Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Arizona Public Service Company, et al. (Palo Verde
Nuclear Generating Station, Units 4 & 5), Docket
Nos. STN 50-592, STN 50-593

Dear Dr. Hendrie:

On April 20, 1979, the joint applicants in the above-referenced proceeding received from the Office of the Secretary of the Commission a copy of Mr. Larry Bard's March 27, 1979 request to the Commission for financial assistance. We oppose Mr. Bard's request on both procedural and substantive grounds.

As a matter of procedure, Mr. Bard has filed his request in the wrong forum. The Commission has designated an atomic safety and licensing board to preside in the Palo Verde Units 4 & 5 proceeding. Under the Commission's regulations, the Licensing Board is the proper tribunal to dispose of requests made by the parties. By failing to file his request with the Licensing Board, Mr. Bard has chosen simply to ignore the procedural requirements which apply to his participation.

As a matter of substance, Mr. Bard's request is controlled by the Commission's decision in Nuclear Regulatory Commission (Financial Assistance to Participants in Commission Proceedings), 4 NRC 494 (1976). In that rulemaking

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proceeding, the Commission decided that financial assistance to intervenors in licensing proceedings for individual reactors is inappropriate.

For the above reasons the joint applicants submit that Mr. Bard's request should be summarily denied.

Sincerely,



Charles A. Bischoff

For SNELL & WILMER

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. Iazo, 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 9410

Stephen M. Sohinki, 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

POOR ORIGINAL

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

Kathryn Burkett 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


Charles A. Bischoff

Dated: May 14, 1979.

POOR ORIGINAL