

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of...

Docket Nos.

Arizona Public Service  
Company, et. al., (the  
Palo Verde Nuclear  
Generating Station,  
Units 1, 2 and 3)

STN 50-528/  
529/530

THE ATTORNEY GENERAL OF THE STATE OF NEW MEXICO'S

AMENDED MOTION TO PARTICIPATE AS AN INTERESTED

STATE AGENCY OF THE STATE OF NEW MEXICO

Jeff Bingaman, Attorney General of the State of New Mexico, moves the Presiding Officer to afford said Attorney General a reasonable opportunity to participate as an Interested State Agency in this proceeding pursuant to 10 CFR Section 2.715 (c) and, as grounds therefore, states:

1. He is the duly elected and qualified Attorney General of the State of New Mexico.
2. The Attorney General is required to appear before regulatory agencies to represent and be heard on behalf of the State, when in his judgment, the public interest of the State requires such action, pursuant to Section 8-5-2 (3) NMSA 1978.

3. The public interest of the State of New Mexico requires the participation of the Attorney General in this proceeding.

4. The States of New Mexico and Arizona share a common border and have a common transportation network of highways and railroads.

5. Fuel assemblies and/or spent fuel assemblies and other radioactive materials associated with the Palo Verde Nuclear Generating Station (PVNGS) may be transported through, stored in, disposed of in or reprocessed in the State of New Mexico.

6. The operation of PVNGS may result in radiological health effects in New Mexico as the result of air-borne contamination because: (1) New Mexico is within the 500 mile radius for such effects established by the Report to the American Physical Society by the Study Group on Light-Water Reactor Safety (Supp. Number 1, Vol. 47, Reviews of Modern Physics, Summer 1975) and (2) The prevailing winds are from West to East, Arizona into New Mexico.

7. The public health and safety of the people of the State of New Mexico and the environment of the State of New Mexico may be affected by the operation of PVNGS.

8. Public Service Company of New Mexico (PNM) and the El Paso Electric Company (EPEC) have interests in the Palo Verde Nuclear Generating Station.

9. PNM and EPEC also provide electric service to the people of the State of New Mexico.

10. The Office of the Attorney General has familiarity with and expertise concerning the finances of PNM and EPEC which will be of assistance to the Board in making its decision.

11. 10 CFR Section 2.715 is mandatory and sets no time limit by which the Presiding Officer will afford a reasonable opportunity to participate to an interested state agency.

12. The Attorney General agrees to take the proceedings as they stand and to be bound by all prior stipulations and orders of the Board.

13. The Attorney General wishes to participate in the litigation of Contentions 5 and 7 as presently framed.

WHEREFORE, the Attorney General of the State of New Mexico moves:

1. The Presiding Officer allow said Attorney General a reasonable opportunity to participate in this proceeding, including service of pleadings on the Attorney General of the State of New Mexico as if the Attorney General was a full party to these proceedings; and

2) for such other and further relief as the Presiding Officer  
deems proper.

Respectfully submitted,

JEFF BINGAMAN  
Attorney General of the  
State of New Mexico

By Rand L. Greenfield  
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Service may be made on Rand  
L. Greenfield at the above ad-  
dress.

I hereby certify that a  
true copy of the Attorney  
General's Amended Motion  
To Participate as an In-  
terested State Agency of  
the State of New Mexico  
was mailed to all counsel  
of record on this \_\_\_\_\_  
day of November, 1981.

\_\_\_\_\_  
Rand L. Greenfield