

RELATED CORRESPONDENCE



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 1, 2 and 3))

DOCKET NOS. STN 50-528
STN 50-529
STN 50-530

JOINT APPLICANTS' MOTION TO DESIGNATE TIME
FOR INTERVENOR TO ANSWER REQUEST FOR ADMISSIONS

Pursuant to 10 CFR § 2.742(b), Joint Applicants Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico ("Joint Applicants") hereby move the Atomic Safety and Licensing Board ("Board") for an order designating a time within which Intervenor Patricia Lee Hourihan ("Intervenor") must respond to "Joint Applicants' Request for Admissions by Intervenor," dated May 22, 1981 ("Request for Admissions").

The Request for Admissions requests Intervenor to make the admissions set forth therein within thirty (30) days after service of the request. On or about June 4, 1981, Intervenor asked Joint Applicants for an extension of time within which to respond to the Request for Admissions until after Intervenor had an opportunity to review Joint Appli-

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cants' answers to Intervenor's first set of interrogatories. Joint Applicants orally agreed to such extension, and subsequently served their answers to Intervenor's first set of interrogatories on June 22, 1981.

On or about June 23, 1981, Intervenor asked for a further extension of time within which to respond to the Request for Admissions until after Intervenor had an opportunity to review Joint Applicants' answers to Intervenor's second set of interrogatories.^{1/} Joint Applicants orally agreed to such further extension of time, subject to the service by Intervenor of a second set of interrogatories by July 21, 1981.

To date, Intervenor has not served a second set of interrogatories. Furthermore, Joint Applicants have no reason to believe that Intervenor will be filing a second set of interrogatories in the near future.

Joint Applicants' Request for Admissions deals solely with Intervenor's Contention No. 5 which reads:

"Applicants will not have an assured supply of usable treated municipal effluent for cooling purposes for Unit 3 of PVNGS during months of peak reactor need for the first five years of operation."

^{1/} Intervenor, the NRC Staff and Joint Applicants orally agreed on or about June 23, 1981, that the parties' respective second set of interrogatories should be served by July 21, 1981, with answers served by August 20, 1981.

Contention No. 5 is the only environmental contention which has been admitted for litigation in this proceeding. Joint Applicants would intend to use the admissions requested as the basis for a motion for summary disposition. If Contention No. 5 could be disposed of in such manner, the hearing in this proceeding would not have to await the issuance of the NRC Staff's Final Environmental Impact Statement, currently scheduled for February 12, 1982,^{2/} but instead could begin after issuance of the Staff's Supplement to the Safety Evaluation Report, currently scheduled for December 31, 1981.

In filing this motion, Joint Applicants note that Intervenor did not file an answer to "Joint Applicants' Motion to Compel Intervenor to Answer Interrogatories," dated July 6, 1981, even though this Board's Memorandum and Order of August 3, 1981, granted Intervenor additional time beyond that provided by Section 2.730(c) of the Commission's Rules in which to file an answer. The Board noted in its Order that it was affording Intervenor additional time in view of the fact that Intervenor's counsel had recently withdrawn from the proceeding. Because Intervenor has now had ample opportunity in which to secure substitute counsel, Joint Applicants would urge this Board to apply the require-

^{2/} See "NRC Monthly Status Report to Congress," attached to letter to the Honorable Tom Bevill from Joseph M. Hendrie, dated May 29, 1981.


ments of Section 2.730(c) to Intervenor as to the instant motion to designate time and to issue its ruling thereon, even if Intervenor fails to answer within ten days after service of this motion.

WHEREFORE, Joint Applicants move this Board for an immediate order designating a date no more than ten (10) days from service of the Board's order by when Intervenor must respond to Joint Applicants' Request for Admissions.

Dated: August 28, 1981.

Respectfully submitted,

By


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CERTIFICATE OF SERVICE

I hereby certify that copies of "Joint Applicants' Motion to Designate Time for Intervenor to Answer Request for Admissions" have been served upon the following listed persons by deposit in the United States mail, properly addressed and with postage prepaid, this 28th day of August, 1981.

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