

Docketed  
USNRC

AUG 2 1983

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Branch

Docket Nos. STN 50-529  
STN 50-530

WEST VALLEY AGRICULTURAL PROTECTION COUNCIL, INC.'S  
RESPONSE TO JOINT APPLICANTS' MOTION TO COMPEL

West Valley's motion for a protective order fully analyses why West Valley believes that Joint Applicants are not entitled to answers to the interrogatories listed in their motion. West Valley has the following additional specific comments about Joint Applicants' motion.

Interrogatories 1 and 3

These interrogatories seek the identity of West Valley directors and members. The only ground set forth in the petition explaining the need for this information is that these individuals may have knowledge about discoverable information. The motion, however, does not state a single example of such information. Instead, by this motion, Joint Applicants seek approval from the Board for a wide ranging fishing expedition that, at this stage of discovery, can only be accomplished through the taking of deposition of West Valley members. Permission to engage in this fishing expedition would result in the potential for considerable abuse. Joint Applicants could, for example, take the depositions of 50 to 100 individuals.

Joint Applicants have proposed no reason why they should be allowed to engage in this expedition. In fact, there are no such reasons. West Valley has stated that it does not intend to call its members as witnesses in this case.

Interrogatories 5 through 7 and 33

These interrogatories request information relating to salt drift on West Valley members' farms, including information about: the parcels of land owned by West Valley that may be affected by salt drift deposition (No. 5); the amount and drift per acre that will be deposited upon such parcels (No. 6); the method by which such deposition figures were calculated (No. 7); and which

West Valley members within the area of the Palo Verde Nuclear Generating Station ("PVNGS") are likely to be affected by salt deposition (No. 33). West Valley has objected to these interrogatories on the ground that the effect of salt drift on West Valley members--as compared to all area agriculture--is irrelevant at this stage of the proceeding.

It is important to note that West Valley has not refused to provide information on salt drift deposition, including where it is likely to take place and the quantity of such salt deposition. That information is contained in the report and model prepared by West Valley expert Dr. Edward Davis. As the Board is aware, the report has been available to Joint Applicants since the filing of the petition. The model itself has also been available to Joint Applicants since early in this matter when West Valley gave a copy of the computer tape containing the model to Joint Applicants' experts, the NUS Corporation. In addition, as part of document discovery in this case, West Valley is turning over to Joint Applicants an additional copy of the model. This model provides the data that answers each of the questions posed in Interrogatories 5 through 7 and 33 with respect to all agricultural land in the vicinity of the PVNGS.

Interrogatories 21 through 24

These interrogatories relate to use of irrigation water by West Valley members. As pointed out in West Valley's motion for protective order, this information is available in public

records, some of which are from irrigation districts. In addition, the reasons why broad macro analysis of irrigation water use is far more appropriate than analysis of irrigation on individual farms is set forth in West Valley's motion for protective order.

Interrogatory 75

This interrogatory seeks a precise definition of the term "near the plant" in West Valley's original Contention III.C(ii). West Valley notes that this contention is no longer part of the case and that salt drift levels and locations can be determined from the Davis model.

Conclusion

For the foregoing reasons, the Board should reject Joint Applicants' motion.

Respectfully submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
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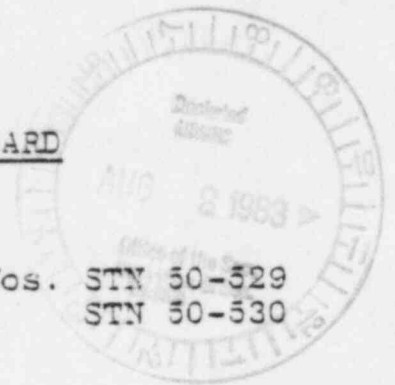
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
ARIZONA PUBLIC SERVICE  
COMPANY, et al.

(Palo Verde Nuclear Generating  
Station, Units 2 and 3)

Docket Nos. STN 50-529  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Petitioner West Valley Agricultural Protection Council, Inc.'s Response to Joint Applicants' Motion to Compel have been served upon the following listed persons by deposit in the United States mail, properly addressed and with postage prepaid, this 29th day of July 1983.

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