

04/13/82

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



INTERVENOR'S RESPONSE TO THE NRC STAFF RESPONSE TO INTERVENOR'S
MOTION TO DEFER ISSUANCE OF NOTICE OF HEARING.

On page 2 of the Staff's response to Intervenor's motion to defer issuance of notice of hearing, the staff discusses a conference call which took place on March 15, 1982 between Judge Lazo, the NRC and the Joint Applicants. In reference to this call the hearing date of April 27 was set without the presence of the Intervenor. When the call was made Intervenor requested a couple more hours of time, the NRC Staffs' secretary relayed this message to the other parties, the secretary then returned to my line with a message that Mr. Reis had stated they would proceed with the call without the participation of the Intervenor.

10 C.F.R. Sec. 2.721 (d) clearly states that the ASLB may exercise the powers of a presiding officer. On March 15, 1982 was Judge Lazo aware that the Intervenor had asked for the call to be delayed a couple of hours? And if so, is it not the position of the judge to say yes or no to a later conference call?

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The Intervenor questions the procedure which took place concerning the issuance of a hearing date. Intervenor contends she was not given the rights the rules allow for full participation as a party to the proceedings and moves to strike all comments from the record to date discussing the Intervenor's participation in the March 15 conference call, i.e. "...Intervenor elected not participate in the conference call...".

These statements which are published in the Federal Register and NRC filings are not true statements and should not be on the record.

Respectfully Submitted

Patricia Lee Hourihan
Patricia Lee Hourihan
Intervenor

Dated at Phoenix, Arizona
this 13th day of April, 1982.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "INTERVENOR'S RESPONSE TO THE NRC STAFF RESPONSE TO INTERVENOR'S MOTION TO DEFER ISSUANCE OF NOTICE OF HEARING" in the above-captioned proceeding have been served on the following by deposit in the United States mail system, this 13th day of April, 1982:

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