

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '81 NOV -4 AIO:18

Administrative Judges:

Robert M. Lazo, Chairman
Dr. Richard F. Cole
Dr. A. Dixon Callihan

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED NOV 4 1981



In the Matter of

ARIZONA PUBLIC SERVICE COMPANY, ET AL.

(Palo Verde Nuclear Generating Station,
Units 1, 2 and 3 Operating License
Proceeding)

Docket Nos. STN 50-528-OL
STN 50-529-OL
STN 50-530-OL

November 3, 1981

MEMORANDUM AND ORDER

A telephone conference initiated by the Chairman was held on October 29, 1981, among the parties to the above-captioned proceeding. Those conferring were Messrs. Arthur C. Gehr, representing the Joint Applicants, Henry J. McGurren, representing the NRC Staff, Rand L. Greenfield, representing the Attorney General of the State of New Mexico, Ms. Patricia Lee Hourihan, Intervenor, and Judge Lazo, Chairman of the Board.

The primary purpose of the telephone conference was to establish a date for a prehearing conference as requested by the Joint Applicants in a pleading filed October 1, 1981, and, additionally, to discuss responses by the Intervenor to the several motions outstanding filed by the Joint Applicants and NRC Staff.

It was established that November 18, 1981, would be acceptable to all parties as a date to hold a prehearing conference as requested by Joint Applicants. In this connection, counsel for Joint Applicants inquired if the

Board would desire to visit the Palo Verde plant site at the time of the prehearing conference and, if so, asked that advance notice be given to permit appropriate arrangements to be made to permit the Board, counsel for the parties and the Intervenor to visit the Palo Verde site as a group.

In response to the Chairman's inquiry of Intervenor's intentions regarding the Board's Memorandum and Order dated August 31, 1981, directing Intervenor to respond to interrogatories relating to Contention No. 8, and the Joint Applicants' motion to dismiss such contention for failure to respond to such interrogatories, the Intervenor advised the parties and the Board that she was "dropping" Contention No. 8.

The Chairman also inquired of the Intervenor's intentions with respect to the motions filed by the Joint Applicants and the NRC Staff to compel Intervenor to answer their respective second sets of interrogatories and the Joint Applicants' motion to designate a time for answering their request for admissions. After some discussion, Intervenor agreed to file answers to such second sets of interrogatories and request for admissions on November 13, 1981.

The Chairman also reported that Intervenor had advised him by telephone on September 23, 1981 that she had responded to the Board's Memorandum and Order dated August 31, 1981, respecting her participation in this proceeding by sending Mailgrams dated September 11, 1981 addressed to the Secretary of the Commission and to the Chairman. The Chairman further advised that since neither Mailgram had been received by its addressee, he had requested the Intervenor to confirm in writing the fact that she has sent the Mailgrams, which she did on October 19, 1981 by mailing copies of such Mailgrams to the Chairman who received them on October 23, 1981. The Chairman also stated that

he had, on October 26, 1981, instructed the Docketing and Service Branch of the Office of the Secretary to serve copies of such Mailgrams upon all parties.

Mr. Greenfield inquired respecting the status of the Attorney General of the State of New Mexico in the proceeding, and, after some discussion, requested and was granted the opportunity to respond on or before November 13, 1981, to the Joint Applicants' answer and the NRC Staff's response to the Attorney General's Motion to Participate in this Proceeding as an Interested Agency of the State of New Mexico.

Accordingly, it is this 3rd day of November 1981

ORDERED

1. That Joint Applicants' Request for Prehearing Conference is granted and such prehearing conference shall be held in Phoenix, Arizona, on November 18, 1981, at 9:30 a.m., at a location to be hereafter designated by the Board. At such prehearing conference, the Board will consider (i) the adoption of a hearing schedule as proposed by the Joint Applicants with such modifications thereof as the Board may deem appropriate; (ii) the Joint Applicants' proposal respecting the offsite emergency plan; (iii) such actions as may be appropriate to dispose of all outstanding motions filed by Joint Applicants and the NRC Staff; (iv) the participation of the Attorney General of the State of New Mexico as an interested agency of such State; and (v) such further matters as may aid in the orderly disposition of this proceeding. The Board will give notice to the parties and to the Attorney General of the State of New Mexico, if and when the Board, together with Counsel for the parties, the Intervenor and counsel for the Attorney General of the State of New Mexico (unless any of them decline to make such visit), will visit the Palo Verde site.

2. That Intervenor shall file responses to the Joint Applicants' and NRC Staff's respective second sets of interrogatories and Joint Applicants' request for admissions not later than November 13, 1981.

3. That the Attorney General for the State of New Mexico is granted leave to respond on or before November 13, 1981, to the Joint Applicants' answer and the NRC Staff's response to the Attorney General's Motion to Participate as an Interested Agency of the State of New Mexico.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Robert M. Lazo
Robert M. Lazo, Chairman
ADMINISTRATIVE JUDGE