

November 24, 1982

Robert M. Lazo, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

D. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Dixon Callihan
Administrative Judge
Union Carbide Corporation
P.O. Box Y
Oak Ridge, TN 37830

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 and STN 50-530

Dear Administrative Judges:

On November 18, 1982 West Valley Agricultural Protection Council, Inc. (West Valley) filed a "§supplemental Memorandum" in support of its petition to intervene which responds to Joint Applicants' and Staff's answers of November 9, 1982 and November 15, 1982, respectively. The NRC Rules of Practice, at 10 C.F.R. § 2.714(a) and 2.730(c), do not allow the filing of a reply by the moving party to another party's answer in circumstances where, as here, the moving party has not received permission to do so. Public Service Company of Oklahoma et al. (Black Fox Station, Units 1 and 2), LBP-76-38, 4 NRC 435, 441 (1976). Specifically, 10 C.F.R. § 2.730(c) states (in pertinent part):

The moving party shall have no right to reply, except as permitted by the presiding officer or the Secretary or the Assistant Secretary."

The NRC Staff, therefore, suggests that the "Supplemental Memorandum" be disregarded.

Sincerely,

Lee Scott Dewey
Counsel for NRC Staff

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cc: Arthur C. Gehr, Esq.
Rand L. Greenfield
Atomic Safety and Licensing
Board Panel
Docketing and Service Section
Kenneth Berlin

Charles Bischoff, Esq. M.Licitra P433
Ms. Lee Hourihan
Atomic Safety and Licensing
Appeal Board
Lynne Bernabei, Esq

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