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MARCH 29, 1983

Robert M. Lazo, Esq., Chairman
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U.S. Nuclear Regulatory Commission
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Dr. Dixon Callihan
Administrative Judge
Union Carbide Corporation
P.O. Box Y
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Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: 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 February 2, 1983, the West Valley Agricultural Protection Council ("West Valley"), filed a "Motion for Ruling on Contentions, for Declaration that NEPA Analysis is Inadequate and for Continuance of Proceedings." Both the Joint Applicants and the NRC Staff filed timely responses to the West Valley motion.

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Page Two
March 29, 1983

On February 23, 1983, Ms. Patricia Lee Hourihan, through her counsel, filed a late response to the West Valley motion, accompanied by a Motion for Leave to File that response. Joint Applicants, on March 7, 1983, filed their response to Ms. Hourihan's motion, detailing the reasons the late filing should not be accepted. The NRC Staff likewise responded to the Hourihan motion on March 10, 1983. That should have ended the pleadings on the subject, since the rules plainly provide for only a motion and a response thereto; the moving party (here Ms. Hourihan) has no right to reply. 10 CFR §7.230(c).

Notwithstanding the clear declaration of the regulations, Ms. Hourihan's counsel has once again blatantly disregarded those regulations and filed what purports to be a "Response to Joint Applicants' and Staff's Motion to Strike" her earlier response. As the record will reflect, neither the Joint Applicants nor the Staff filed a motion to strike. They did file responses to Ms. Hourihan's Motion for Leave to file a late response. Ms. Hourihan's cunning effort to misconstrue the pleadings cannot be countenanced.

Ms. Hourihan's latest missive is clearly prohibited by the NRC Rules of Practice. 10 CFR §2.714(a) and 2.730(c). Therefore, Joint Applicants respectfully request that her "Response to Joint Applicants' and Staff's Motion to Strike Intervenor's Motion for Leave to File Response," dated March 20, 1983, be disregarded by the Board. If the Board is inclined to allow the errant filing, however, Joint Applicants would request an opportunity to file a brief reply thereto.

Sincerely,

SNELL & WILMER



Vaughn L. Crawford
Counsel for Joint Applicants

VAC:db

cc: Rand L. Greenfield
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