

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
ARIZONA PUBLIC SERVICE COMPANY,	)	Docket Nos. STN 50-528
et al.	)	STN 50-529
	)	STN 50-530
(Palo Verde Nuclear Generating	)	
Station, Units 1, 2 and 3)	)	
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S T I P U L A T I O N

IT IS HEREBY STIPULATED by and between counsel for WEST VALLEY AGRICULTURAL PROTECTION COUNCIL, INC. (hereinafter "West Valley"), Joint Applicants and the Nuclear Regulatory Commission Staff Counsel that the attached Order respecting discovery may be entered if the Board finds the proposed Order to be acceptable.

IT IS FURTHER STIPULATED by the above-named parties that all parties retain the right to seek modification of the attached Order at some subsequent date should counsel for one of the parties subsequently determine that the provisions of the Order have become unacceptable.

IT IS FURTHER STIPULATED that unless and until modification of the attached Order is sought by one or more of the parties, the parties will endeavor to comply with the provisions of the Order should the Board chose to adopt its provisions.

DATED this \_\_\_\_\_ day of February, 1983.

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ORDER

Upon stipulation of counsel, and good cause appearing therefor,

IT IS ORDERED that unless and until this Order is modified by the Board either sua sponte or pursuant to request by one or more of the parties, this Order shall generally govern discovery sequence and timing. Discovery shall proceed as follows:

INTERROGATORIES

Except as provided for in the post-November 7, 1983 discovery schedule, IT IS ORDERED:

1. The period during which Interrogatories may be submitted shall extend from March 15, 1983 to May 15, 1983.
2. Two sets of Interrogatories shall be allowed to each party should the parties desire to utilize more than one set. The first set of Interrogatories shall be propounded by any party choosing to serve Interrogatories no later than March

15, 1983. Responses to such Interrogatories shall be due April 15, 1983. If one or more of the parties chose to utilize a second set of Interrogatories, such Interrogatories shall be served no later than April 25, 1983 and shall be answered no later than May 15, 1983.

#### DOCUMENT PRODUCTION

Except as provided for in the post-November 7, 1983 discovery schedule, IT IS ORDERED:

1. The period during which document production may take place shall begin on May 15, 1983 and extend through July 15, 1983. Each party shall be entitled to submit to each other party one Request for Production. Requests for Production shall be served no later than June 1, 1983 and shall be responded to no later than July 1, 1983.

2. Documents produced by the parties shall be produced at a suitable location convenient to the producing party for inspection. At the option of the requesting party, the requesting party may request that all records be copied rather than exercising the right to inspect such documents prior to copying.

#### DEPOSITIONS

Except as provided for in the post-November 7, 1983 discovery schedule, IT IS ORDERED:

1. The period during which depositions may be taken shall begin on July 1, 1983 and extend through November 1, 1983. Depositions noticed by the parties shall proceed on the following

schedule until each party has completed such depositions as are desired by that party:

- (a) July 18 through 22, 1983:  
Depositions noticed by West Valley
- (b) July 25 through 29, 1983:  
Depositions noticed by Joint Applicants
- (c) August 8 through 12, 1983:  
Depositions noticed by West Valley
- (d) August 15 through 19, 1983:  
Depositions noticed by Joint Applicants
- (e) August 29 through September 2, 1983:  
Depositions noticed by West Valley
- (f) September 5 through 9, 1983:  
Depositions noticed by Joint Applicants
- (g) September 19 through 23, 1983:  
Depositions noticed by West Valley
- (h) September 26 through 30, 1983:  
Depositions noticed by Joint Applicants
- (i) October 10 through 14, 1983:  
Depositions noticed by West Valley
- (j) October 17 through 21, 1983:  
Depositions noticed by Joint Applicants
- (k) October 31 through November 4, 1983:  
Depositions noticed by West Valley

2. It is presently contemplated that Staff Counsel will be able to secure such deposition testimony as Staff Counsel

desires during the depositions noticed by West Valley and Joint Applicants. However, should Staff Counsel determine that additional depositions are needed which have not been noticed by either West Valley or Joint Applicants, all parties will cooperate in order to adjust the schedule to permit Staff Counsel to arrange for any additional depositions.

3. It is contemplated that discovery on all matters, other than the crop study to be conducted under the guidance of the University of Arizona (the "Crop Study"), shall be completed by November 4, 1983.

4. The depositions of expert witnesses shall be taken at a convenient location near the expert's place of business in order to reduce the travel and expert witness' fees to the extent practicable.

5. With the exception of depositions taken by NRC and the depositions of NRC Staff witnesses, fees and expenses charged by experts in connection with the depositions shall be paid by the party which notices the deposition, providing that the parties agree on a rate schedule for each expert. NRC Staff will neither charge for its witnesses to be deposed nor be charged for taking depositions of other parties' witnesses.

POST-NOVEMBER 7, 1983 DISCOVERY

1. The discovery concerning the Crop Study, which is expected to be completed on or about November 1, 1983, will begin on November 7, 1983.

2. Joint Applicants agree to produce to the other parties on November 7, 1983 the Crop Study and all related documents, including all drafts, preliminary studies, memoranda and correspondence relating to or in any way referring to the Crop Study.

3. If the Joint Applicants do not complete the Crop Study by November 4, 1983 and produce the applicable documents on November 7, 1983, the remaining schedule set forth in this Order shall be delayed by the amount of delay incurred because of the Joint Applicants' delay in completing the Crop Study.

4. Discovery pertaining to the Crop Study shall be completed by January 6, 1984 or within two months after the document production required in Paragraph 2 is completed, whichever occurs first.

#### PRE-TRIAL PREPARATION

1. The parties shall pre-file testimony together with a list of exhibits no later than January 15, 1984.

2. The evidentiary hearing shall begin on February 16, 1984.

3. If the Crop Study is not completed by November 4, 1983, the parties shall file pre-trial testimony together with a list of exhibits no later than nine (9) days after discovery concludes, and the evidentiary hearing shall begin one month later.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

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Robert M. Lazo, Chairman  
ADMINISTRATIVE JUDGE