UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket Nos. STN 50-528
ARIZONA PUBLIC SERVICE	)	STN 50-529
COMPANY, et al.,	)	STN 50-530
	)	
(Palo Verde Nuclear Generating Station, Units 1, 2, and 3)	)	
	)	

JOINT APPLICANTS' RESPONSE TO INTERVENOR PATRICIA LEE HOURIHAN'S MOTION FOR LEAVE TO FILE RESPONSE TO WEST VALLEY AGRICULTURAL PROTECTION COUNCIL'S MOTION FOR RULING ON CONTENTIONS, FOR DECLARATION THAT NEPA ANALYSIS IS INADEQUATE AND FOR CONTINUANCE

On February 2, 1983, West Valley Agricultural Protection Council ("West Valley") served upon the Board, the Joint Applicants, and the NRC Staff, its "Motion for Ruling on Contentions, for Declaration that NEPA Analysis is Inadequate, and for Continuance of Proceedings." West Valley's Certificate of Service indicates that Ms. Bernabei, counsel for Ms. Patricia Hourihan in an earlier proceeding, was served personally upon that date.

Both Joint Applicants and the Staff filed timely responses to the West Valley Motion. Ms. Bernabei, however, was not heard from until the afternoon before the prehearing conference which was held on February 24, 1983. On the afternoon of the 23rd, Ms. Bernabei handed to counsel for

Joint Applicants, the Staff and West Valley, copies of her response to the West Valley Motion, accompanied by a motion for leave to file the response. That response was due on February 14, 1983.

Joint Applicants request that the Board dismiss Ms. Hourihan's purported response on the grounds that it is a late, unauthorized filing and there has been no showing of good cause to justify its acceptance. However, even if the Board is not inclined to summarily dismiss the response for lateness, Joint Applicants submit it should be rejected on the following alternative grounds: (1) Ms. Hourihan has lost her standing because (and if) she is no longer a resident of the area, or (2) Ms. Hourihan's participation in earlier proceedings does not cloak her with the perpetual right to participate in further additional proceedings. Where, as here, the contentions upon which she was once admitted have been litigated and finally decided, her status as a party is terminated. Therefore, like any other would-be intervenor, she must present a valid contention justifying her intervention in this proceeding. Since no such attempt has been made, she has no right to participate herein other than, perhaps, as an amicus curiae.

Based upon the applicable law and regulations, and the accompanying Memorandum of Points and Authorities, Joint Applicants respectfully request that Ms. Hourihan's motion for late filing be denied and her "response" stricken.

DATED this 7 day of March, 1983.

SNELL & WILMER

By _____

Arthur C. Gehr
Warren E. Platt
Charles A. Bischoff
Vaughn A. Crawford
3100 Valley Bank Center
Phoenix, Arizona 85073

Attorneys for Joint
Applicants

MEMORANDUM OF POINTS AND AUTHORITIES

I. MS. HOURIHAN'S RESPONSE SHOULD BE DISMISED AS UNTIMELY.

Ms. Hourihan's untimely response to the West Valley motion should simply be dismissed by the Board. As the Commission counseled in its Statement of Policy on Conduct of Licensing Proceedings, 13 NRC 452, CLI-81-8 (1981):

> When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party. [including the refusal to consider a filing.] . . . The Boards are advised to satisfy themselves that the 10 CFR 2.711 "good cause" standard for adjusting times fixed by the Board or prescribed by Part 2 has actually been met before granting an extension of time. Requests for an extension of time should generally be in writing and should be received by the Board well before the time specified expires.

Id. at 454-55 (emphasis added).

Where additional time is needed to file or respond to a motion, the procedure is to file a motion pursuant to 10 CFR §2.711 requesting additional time. As the Commission's Statement of Policy makes clear, that request must be made prior to the expiration of the time limit for which extension is sought. Counsel's blithe disregard for the applicable regulations and her unauthorized submission of a late response, accompanied by an even tardier motion to allow the late filing, should not be countenanced. Accordingly, the response should be rejected.

More substantively, in addition, counsel's motion does not even make a colorable effort to establish the "good cause" standard required by the regulations to justify a late filing. The motion states merely that the late submission "will not delay these proceedings nor prejudice any party. . . ." (Motion at 2.) That, however, is not the standard; the standard is whether there is good cause for the late filing. All Ms. Hourihan's motion says in that regard is that Mr. Turner (whose affidavit accompanied the response), lives in California and Ms. Hourihan's counsel lives in Washington, D.C.[1/] That "excuse" does not merit further discussion. It certainly does not establish good cause for the "thirteenth-hour" pleading urged upon the Board. On the contrary, in light of the geographical separation between Washington and California, the delay in filing the motion emphasizes the flagrant disregard for the Commission's rules.

II. IF MS. HOURIHAN IS NO LONGER RESIDING IN THE AREA, SHE HAS NO STANDING TO PARTICIPATE IN THIS PROCEEDING.

Even if the Board were inclined to accept Ms. Hourihan's response despite its belated submission, the response would nevertheless be unacceptable if Ms. Hourihan

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1/ Moreover, it is obvious that the substance of the Turner affidavit has no relevancy to the salt drift issue of the reopened hearing. In fact, it is implicit in Turner's affidavit that he has no knowledge respecting the NUS salt drift studies.

is no longer a resident of the area and has therefore lost her standing. This issue should be resolved at the outset, since residence near a nuclear power plant, coupled with allegations of threatened injury to the health, safety or environment of the intervenor, is necessary to establish standing. See, Philadephia Electric Company (Limerick Generating Station, Units 1 and 2), 15 NRC 1423, LBP 82-43A (1982).

In her original Petition to Intervene dated August 11, 1980, Ms. Hourihan avowed that she was a resident of Phoenix, Arizona. That was more than two and one-half years ago, however, and given Ms. Hourihan's notable absence at the February 24, 1983, prehearing conference, the question legitimately arises as to whether Ms. Hourihan is still a resident with a sufficient interest to confer, or maintain, standing. Indeed, the question was posed specifically by counsel for Joint Applicants at the prehearing conference: "I'd like to inquire right now whether Ms. Hourihan still has any status whatsoever to participate in this proceeding. I don't know if she still lives in Phoenix." (Tr. 2723.) Ms. Bernabei's silence in the face of that question raises serious doubt as to whether Ms. Hourihan is still a resident and whether she would be en-

titled to petition for intervention in this proceeding even if she had properly attempted to do so.[2/]

If Ms. Hourihan is no longer a resident in the vicinity of the Palo Verde site, she should so inform the Board and that will end the matter. If she has moved from the area, she clearly would have no right to participate as a party in this proceeding.

III. MS. HOURIHAN'S PARTICIPATION IN EARLIER PROCEEDINGS DOES NOT CONFER PERPETUAL PARTY STATUS; THE FINAL ADJUDICATION OF HER CONTENTIONS TERMINATES HER RIGHT TO PARTICIPATE HEREIN AS PARTY.

Ms. Hourihan's original Petition for Leave to Intervene alleged standing to intervene on the basis that she was a consumer, a ratepayer, and that she owned property in the Sun City area. Her interests claimed to be affected were those of "health, livelihood, and property." Ms. Hourihan originally set forth twenty-eight separate contentions which were later reduced, by Board Order, to five. However, in neither her original 28 contentions nor in the five contentions ultimately admitted, did she allege any interest whatsoever in the effects of salt deposition on the agricultural crops near Palo Verde, the specific and limited purpose for which this proceeding has been reopened.

2/ Also, since the evidentiary hearings were closed last June, there has been a series of publicly-noticed site audits by NRR of compliance with NRC regulations and licensing commitments made by the Joint Applicants. Ms. Hourihan's absence from the exit interviews conducted at the conclusion of such audits has been notable. Instead, a Ms. Jill Morrison has attended such exit interviews on behalf of Ms. Hourihan.

Four of the five admitted contentions were either withdrawn or disposed of through the Commission's summary disposition procedures. Hearings were held during the weeks of April 26, May 25, and June 21, 1982 on the sole remaining contention, and the record closed on June 25, 1982. (Tr. at 2710.) An initial decision was rendered by this Licensing Board on December 30, 1982 resolving all issues raised by Ms. Hourihan. No appeal was taken by Ms. Hourihan from the initial decision. On February 15, 1983 (ALAB 713), the Atomic Safety and Licensing Appeal Board affirmed that decision, making it final as to Ms. Hourihan's contention and her participation. It stated in pertinent part:

> On the basis of its resolution of the matters placed in controversy by intervenor Patricia Lee Hourihan, the Board authorized the Director of Nuclear Reactor Regulation to issue an operating license for Unit 1 following his consideration and determination of any uncontested matters pertaining to the operation of that unit. . . . The Board has reopened the record [however] for the limited purpose of considering the issue raised by the [West Valley] Council's petition and proposes to render a decision on that issue once the record is again closed.
>
> In the absence of exceptions to it, we have examined on our own initiative the initial decision and the relevant portions of the underlying record. That examination has disclosed no error warranting corrective action with regard to the Licensing Board's determination in the applicants' favor of the ultimate issue before it: The availability of an adequate supply of condenser cooling water for the Palo Verde facility. For this reason, we affirm.

Decision, February 15, 1983, at 1-2. In a footnote to that Decision, the Appeal Board further emphasized the fact that, "It is to be noted that the issue raised by the Council [West Valley] is entirely discreet from the issues determined in the initial decision." Id., at 2.

Once the issues for which an intervenor is admitted are finally determined, the intervenor is no longer a party. In Philadelphia Electric Company (Peach Bottom Atomic Power Station, Units 2 and 3), 1 NRC 451, LBP-75-22 (1975), there was a petition to intervene and request for hearing on an order modifying an operating license. The operating license had previously been granted and the order for modification was to assure conformance with the final acceptance criteria for emergency core cooling systems for light water nuclear power reactors.

The petitioners had filed a written petition for leave to intervene pursuant to §2.714, but did not set forth in detail, as required, their interests or how they might be affected by the proceedings. Rather, like Ms. Hourihan in the instant case, they relied upon their prior participation to imbue them with eternal party status. In denying the petition for leave to intervene, the Licensing Board stated:

> The Commission's Regulatory Staff (the Staff) and the Applicants both argue, in their responses to the Petition, that participation in a prior licensing proceeding involving the same facility and in other Commission licensing proceedings is not adequate to

> establish interest, particularly where no attempt is made to establish that the interest relied upon in those other proceedings is an interest that might be affected by the modification order. Both contend that the specific interest of the Petitioners and how that interest might be affected by the modification order must be specifically pleaded because the scope of the other proceedings in which intervention was obtained is broader than the more limited scope of the modification order. The Board concurs with the Applicants and the Staff that the interests of the Petitioners and how that interest might be affected by the modification order must be specifically pleaded in the Petition to meet the requirements of Section 2.714. The Petition, therefore, is defective in this regard.

Id., at 455.

In the present case, Ms. Hourihan, unlike the petitioners in Philadelphia Electric Company, has not even filed a petition for leave to intervene in the reopened proceedings. If she were to have filed such a petition, however, she would necessarily have had to allege an interest and how it might be affected by the instant proceeding relative to salt deposition. Her original petition obviously alleged nothing which might establish an interest in this proceeding.

Also in Detroint Edison Company (Enrico Fermi Atomic Power Plant, Unit 2, 16 NRC _____, ALAB-707 (1982); 2 Nuc. Reg. Rep. (CCH) ¶30,749, the Appeal Board addressed the specific issue of whether to reopen the evidentiary hearings and, in conjunction therewith, to grant a petition to inter-

vene. In denying the petition to intervene and motion to reopen, the Board stated:

> We would not allow a party to the proceeding to press a newly recognized contention after the evidentiary hearing was concluded unless the party could satisfy an objective test of good cause. Among other things, our standard requires that the party seeking to reopen must show that the issue it now seeks to raise could not have been raised earlier. Vermont Nuclear Power Core. (Vermont Yankee Nuclear Power Station), ALAB - 138, 6 AEC 520, 523 (1973). We see no reason to employ a different and more lenient good cause standard for the late petition for intervention for a party who is already in the proceeding and seeks to raise new issues.

2 Nuc. Reg. Rep. at 30,658 (emphasis in original).

The Appeal Board further noted that the §2.714 intervention criteria would be employed to determine whether even an existing party would be allowed to press a new contention. Assuming, arguendo, that Ms. Hourihan does have some rudimentary interest in salt drift, she would still be precluded from participating as a party on that issue because, at the outset, it is clear that her interest is adequately "represented by existing parties," namely West Valley. 10 CFR §2.714 (a)(1)(iv). Indeed, counsel for Ms. Hourihan admitted at the February 14, 1983, pretrial conference before this Licensing Board that, "Obviously, the West Valley farmers have an interest in this [salt drift issue] and are carrying the burden." (Tr. at 2720-21.) Counsel stated that Ms. Hourihan's role with regard to the

issue would only be to "bring [relevant evidence] to the Licensing Board for consideration." Id., at 2721.

Moreover, Ms. Hourihan has patently made no showing as to any of the remaining requirements of §2.714. For example, there has been no showing of good cause as to why a petition to intervene (even if there had been one) was late, or as to what Ms. Hourihan expects to be able to contribute to the record by her participation. The point need not be belabored. Quite simply, Ms. Hourihan would have to comply with §2.714 in order to be allowed to intervene in this proceeding. She has not done so and her response should therefore be stricken.

IV. MS. HOURIHAN'S "RESPONSE" IS IRRELEVANT TO THE ISSUE BEING LITIGATED AND IS FACTUALLY ERRONEOUS.

The record in this proceeding has been reopened for the specific and limited purpose of examining the issue of salt deposition on the crops surrounding Palo Verde. Ms. Hourihan's response has absolutely nothing to do with that issue, except perhaps, for its vague and unsupported allusion to a salt drift study which "to the best of [Dr. Turner's] knowledge" was also conducted and which Dr. Turner "seems to recall" included density patterns for salt distribution. (Turner affidavit, ¶15.) Neither that allegation, nor the ones relating to the evaporation pond liner, have merit. Joint Applicants would not even address the merits of these allegations were it not that silence might

be interpreted as an acknowledgement. The response, however, will be brief.

As established by the affidavits of Dr. Morton Goldman and Mr. William Bingham, attached hereto as Exhibits "A" and "B" respectively, Dr. Turner's work on the evaporation pond liner was part of a preliminary "bounding" study necessary to establish whether or not an evaporation pond would be required and, if so, to identify appropriate design criteria. The concrete liner upon which Dr. Turner's research focused was not installed. Instead, Joint Applicants used a rubberized asphalt/hypalon liner which was selected to meet the basic design criterion for the evaporation pond liner set forth and committed to in the ER-CP (Section 3.6.3.2). Dr. Turner's allegations regarding the concrete liner are therefore irrelevant on their face.

Rather than reiterate the entire substance of Dr. Goldman's and Mr. Bingham's affidavits, Joint Applicants would incorporate the same herein by reference. Suffice it to note that Dr. Turner's allegations simply do not relate to the issues in this reopened proceeding and, more seriously, are based upon misinformation and speculation.

SUMMARY

Ms. Hourihan's motion should be summarily dismissed because it is late and because she has not shown good cause for its belated submission. Secondly, Ms. Hourihan may no longer have standing in this proceeding; if she is no longer a resident her in the vicinity of Palo Verde, stand-

ing has evaporated and she cannot participate in this proceeding at all. Finally, 10 CFR § 2.714 allows a party to intervene in a proceeding only if certain requirements are met, the first of which is that the party has "an interest to be affected." 10 C.F.R. 2.714(a) Ms. Hourihan set forth her interests in her original petition for leave to intervene. None included an interest in, or even arguably related to, the impact of salt deposition on agricultural productivity. The initial decision, rendered on her Contentions on December 30, 1982, has been affirmed by the Appeal Board and has become a final decision as to her interests. Consequently, her status as an intervenor has terminated. Had Ms. Hourihan wished to be heard on the new issue of salt drift, she should have filed a petition for leave to intervene demonstrating an interest to be affected by this new proceeding and meeting the other requirements of §2.714. Philadelphia Electric Company. She did not file such a petition and is no longer a party to this proceeding.

DATED this 7 day of March, 1983.

SNELL & WILMER

By _____
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Attorneys for Joint
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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
Arizona Public Service Company	)	Docket Nos. 50-529
et al	)	50-530
	)	
(Palo Verde Nuclear Generating Station, Units 1, 2 and 3)	)	

AFFIDAVIT OF MORTON I. GOLDMAN

County of Montgomery)
: ss.
State of Maryland)

Morton I. Goldman, being duly sworn, deposes and says as follows:

1. I am Senior Vice President and Technical Director of NUS Corporation, Gaithersburg, Maryland, which has been retained as environmental consultant for the Palo Verde Nuclear Generating Station since July 1972.

2. NUS responsibilities have ranged from the performance of the original site selection studies to the conduct of the environmental studies associated with the site and the preparation of the Environmental Reports at both the Construction Permit and the Operating License stages. These studies have included analyses

EXHIBIT "A"

of potential seepage from the onsite evaporation pond and water storage reservoir, as well as salt drift from the various cooling tower alternatives considered during the course of project development.

3. I have been associated with this project as the senior NUS technical and management official involved since its inception. This association has included my appearances as witness for the Joint Applicants before the ASLB at the Construction Permit hearings, as well as before the Arizona State Power Plant and Transmission Line Siting Commission.

4. My educational background includes a Bachelor's Degree in Civil Engineering, and Master's Degrees both in Sanitary Engineering and in Nuclear Engineering, and a Doctor of Science from M.I.T. I have been employed at NUS Corporation since 1961, and have been an officer of the company since 1966. Prior to joining NUS, I served for 11 years in research and field assignments in radiological and environmental areas with the U.S. Public Health Service. I am a registered Professional Engineer in Arizona, California, District of Columbia, Maryland, New York and South Carolina, and a Diplomate of the American Academy of Environmental Engineers.

5. My experience at NUS has included participation in the safety, waste management and environmental aspects of over 50 nuclear and fossil-fueled power plants, production and aerospace nuclear activities, and a number of industrial facilities.

6. This affidavit addresses certain factual errors contained in the "AFFIDAVIT OF ROBERT H. TURNER", dated February 22, 1983, submitted by Intervenor Patricia Lee Hourihan in a Response dated February 23, 1983, as well as in the Response itself.

7. Dr. Robert H. Turner was employed by NUS Corporation between October 2, 1972 and December 20, 1974. He was employed, under my general direction, to perform mathematical modelling and analyses of ground water transport. He was at no time "technical project manager" for the NUS activities in support of the Palo Verde Project, a position for which he was not qualified by experience.

8. Dr. Turner was responsible, as a staff engineer, for the performance of one of a number of types of mathematical analyses and computations normally performed at the conceptual stage of a large project, as one element in the process of developing and selecting design criteria for the various plant systems. During the period of January through May of 1974, Dr. Turner did perform a number of such analyses of seepage, including data obtained from an onsite seepage test. The purpose of these analyses was to bound the potential environmental effects with the objective of providing one of the inputs to pond design criteria.

9. Dr. Turner apparently misunderstood the objective of the studies and analyses he was directed to perform; for example, the "proposed concrete liner" referred to in his Affidavit (page 3, paragraph 8) was merely one of a series of alternatives then being evaluated in parallel with other system design alternatives. In

this instance, at the time the letter to Bechtel was written by Dr. Turner (April 19, 1974), no decision had yet been made in respect to the blowdown treatment scheme (if any) to be employed and, hence, no specific liner design could be adopted. (See hand-written note on the first page of Turner Exhibit D.)

10. The analyses which were performed by Dr. Turner did play a significant role in the commitment by the Joint Applicants in the Environmental Report - Construction Permit Stage, Section 3.6.3.2, that (even though a specific liner design had not yet been adopted) the evaporation pond would be lined with "a suitable material to limit seepage to the groundwater", and be of a size "to retain after all evaporation, all solid waste generated by the blowdown treatment facility." This commitment has been fulfilled; see the ER-OL, Section 3.6.3.1.

11. In view of this commitment, it was the judgment of NUS management, which was concurred in by all parties involved in preparation of the Application (including the Applicant and Bechtel), that the incorporation of Dr. Turner's analytical results would not add to the useful information content of the Environmental Report, particularly in view of the very preliminary nature of the design information at the time of submission of the ER-CP. There was no purpose to be served by publication of these analyses, since they were hypothetical in nature and would not apply to the site-specific evaporation ponds as they might be designed and built in the (then) future.

12. The allegation cited in Affidavit paragraph 9. is both irrelevant and ridiculous on its face, since the efforts at that time were directed to the application for a Construction Permit (not an "operating license") and there was no basis for NUS to be concerned about the potential for a delay for an issue so readily resolvable (as it has been), at a cost which was a miniscule fraction of that of the total plant.

13. As the "NUS management" presumably referred to in paragraph 13 of the Turner affidavit, I have no recollection of any request by Dr. Turner that his name not be "associated" with the Environmental Report. Further, a review of our files has failed to identify any documentation of his alleged disavowal of his work. In any event, it would have been a meaningless request since individual contributors to the technical portions of the license applications were not usually identified in the documents.

14. The Intervenor's Response, to which the Turner affidavit is attached, misstates (in Part I, Background, paragraph 8) the Turner statement in respect to salt drift studies (paragraph 15). NUS Corporation did not then, and has not since conducted any studies of salt drift from the evaporation pond since it is and has been our conclusion that at design capacity it would be wet and hence not a source of windblown salt. The studies apparently recollected by Dr. Turner were those being conducted of drift from the proposed and alternative cooling towers presented in the ER-CP.

Morton I. Goldman

Morton I. Goldman

Sworn to and subscribed before me this 3rd day of March, 1983.

Notary Public

My Commission Expires July 1, 1986

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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ARIZONA PUBLIC SERVICE COMPANY, et al.	)	Docket Nos. STN 50-528 STN 50-529 STN 50-530
	)	
(Palo Verde Nuclear Generating Station, Units 1, 2 and 3)	)	
	)	

AFFIDAVIT OF WILLIAM G. BINGHAM

County of Maricopa)
) ss.
State of Arizona)

I, William G. Bingham, upon my oath state as follows:

1. I am the same William G. Bingham who testified on behalf of Joint Applicants in these proceedings on April 30, May 25, May 26, and June 25, 1982.

2. I am employed by Bechtel Power Corporation (Bechtel) as Project Engineering Manager for the Palo Verde Nuclear Generating Station (PVNGS).

3. In such capacity I am and have been since 1973 responsible for all engineering and design activities performed by Bechtel as the Architect/Engineer for the Palo Verde project.

4. I also am and have been since 1973 responsible, in this capacity, to technically review all work performed by NUS Corporation (NUS) for PVNGS.

5. As Project Engineering Manager, I have directed the preparation of design criteria for the evaporation ponds, including their linings.

EXHIBIT "B"

6. The basic lining design criterion requiring the use of suitable material to limit seepage was established in mid-1974 after review by representatives of APS, NUS, Bechtel and Combustion Engineering, Inc.

7. The basic lining design criterion, as so approved, was incorporated in the PVNGS Environmental Report - Construction Permit Stage (ER-CP), Section 3.6.3.2., and constituted a commitment to design and construct the evaporation pond in a manner which would meet such criterion.

8. Subsequent to issuance of the construction permits for PVNGS, definitive design criteria for the evaporation pond liner were developed under my direction and supervision to meet the basic criterion. Development of such definitive design criteria required consideration of numerous factors including location, soil characteristics, pond size and structural characteristics, chemical and physical nature of the inlet flow, the rate of the inlet flow, and durability.

9. Such definitive design criteria formed the basis for the specification attached to the request for bids to supply the evaporation pond liner.

10. The use of these materials for the evaporation pond lining meets the basic lining design criterion and all definitive design criteria.

11. I am not aware of any attempt to "whitewash" or suppress Dr. Turner's concerns. On the contrary, the intent to limit seepage for protection against groundwater contamination

is implicit in the original basic design criterion, the selection of rubberized asphalt/hypalon for lining material and the extensive monitoring program established to detect seepage and changes in groundwater quality.

12. I am not aware that Dr. Turner recommended at any time the use of rubberized lining nor any specific material nor any specific lining characteristics. I would not have expected him nor anyone else to have done so in 1974 because the factors which must be considered in the selection of suitable material were unknown at that time.

Further affiant sayeth not.

William G. Bingham
WILLIAM G. BINGHAM

Subscribed and sworn to before me this 4th day of March, 1983.

Jean A. Wiyatt
JEAN A. WIYATT

My commission expires:

March 11, 1986

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Joint Applicants' Response to Intervenor Patricia Lee Hourihan's Motion for Leave to File Response to West Valley Agricultural Protection Council's Motion for Ruling on Contentions, for Declaration that NEPA Analysis is Inadequate and for Continuance" have been served upon the following listed persons by deposit in the United States mail, properly addressed and with postage prepaid, this 7 day of March, 1983.

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Washington, D.C. 20555

Chairman, Maricopa County Board of Supervisors
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Phoenix, AZ 85004

Atomic Safety and Licensing Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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