

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of)
)
ARIZONA PUBLIC SERVICE)
COMPANY, et. al.,)
)
(Palo Verde Nuclear Gener-)
ating Station, Units 1, 2)
and 3))
_____)

DOCKET NOS. STN 50-528
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STIPULATION AND PROPOSED ORDER

a. It is hereby stipulated, by and between counsel for West Valley Agricultural Protection Council, Inc. ("West Valley"), Joint Applicants, and the Nuclear Regulatory Commission Staff Counsel that the following contentions be determined during the remainder of this proceeding and that the attached Order be entered if the Board finds the proposed Order acceptable:

1. What is the tolerance of the following crops to aerosol salt deposition?

- a. Cotton
- b. Alfalfa
- c. Wheat
- d. Barley^{1/}

^{1/}In addition to the above crops, West Valley contends that the tolerance of grapes, almonds, lettuce and melons should also be determined in this proceeding. Joint Applicants contend that, prior to beginning their crop study program in connection with this proceeding, they solicited the opinions of West Valley members and their expert consultants with respect to the crops to be studied; no response was ever received from West Valley or its consultants. It is Joint Applicants position that the tolerances of crops not addressed in the crop study program are not relevant to this proceeding and should not be admitted as contentions.

2. Whether sufficient salt will be deposited, as a result of the amount of salt deposition predicted to occur by Joint Applicants in Joint Applicants' Environmental Report,²⁾ on each of the crops identified above to cause crop yield reduction or reduced crop marketability under the conditions existing in the vicinity of the PVNGS.

3. Whether, as a result of salt deposition and its effect, if any, on the crops identified above, any corrective action should be required for PVNGS.

B. Paragraph A. of this Stipulation is intended to modify and supersede that Stipulation dated March 30, 1983, previously entered into by the parties and submitted to the Board on April 4, 1983. The purpose and intent of the instant Stipulation is to delete from the March 30, 1983, Stipulation those contentions relating to: (1) drift deposition patterns (2) the FOG Model, its accuracy and all related performance criteria (3) sources, characteristics and quantities of salt drift emissions from PVNGS.

C. 1. It is further stipulated that discovery concerning the Crop Study, the report on which is expected to be completed on or about July 27, 1984, will begin on August 20, 1984.

2. Joint Applicants agree to produce to the other parties on August 3, 1984, the Crop Study report and all related documents, including all drafts, preliminary studies, memoranda and correspondence relating to or in any way referring

^{2/} Subject to satisfaction by NRC Staff that the Environmental Report figures are reasonable for purposes of determining salt deposition.

to the Crop Study.

3. If the University of Arizona does not complete the Crop Study report by July 27, 1984, and Joint Applicants do not produce said report and other documents by August 3, 1984, the remaining schedule set forth in the Order shall be delayed by the amount of delay incurred because of the delay in producing the Crop Study report.

4. Discovery pertaining to the Crop Study shall be completed by October 26, 1984 or within twelve weeks after the document production required in Paragraph 2 is completed, whichever occurs last.

D. It is further stipulated as follows regarding prehearing preparation:

1. The parties shall pre-file testimony, together with the list of exhibits, no later than November 26, 1984.

2. The evidentiary hearing shall begin on January 15, 1985, or on such later date as may be set by the Board.

3. If the Crop Study report is not produced by August 3, 1984, the parties shall pre-file testimony, together with a list of exhibits, no later than thirty (30) days after discovery concludes, and the evidentiary hearing shall begin one month later, or as soon after the one-month period as the Board in its discretion shall schedule.

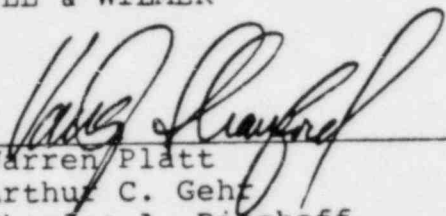
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By

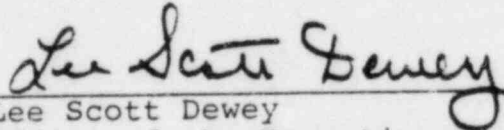


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UNITED STATES NUCLEAR REGULA-
TORY COMMISSION

By



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Washington, D.C. 20555

STAFF COUNSEL

ORDER

Upon stipulation of counsel, and good cause appearing therefor,

IT IS ORDERED as follows:

A. The following contentions, and no others, shall be admitted for the determination during the remainder of this proceeding:

1. What is the tolerance of the following crops to aerosol salt deposition? a. Cotton b. Alfalfa c. Wheat d. Barley.

2. Whether sufficient salt will be deposited, as a result of the amount of salt deposition predicted to occur by Joint Applicants in Joint Applicants' Environmental Report, on each of the crops identified above to cause crop yield reduction or reduced crop marketability under the conditions existing in the vicinity of the PVNGS.

3. Whether, as a result of salt deposition and its effect, if any, on the crops identified above, any corrective action should be required for PVNGS.

B. Regarding discovery, pre-filing of hearing testimony, and the hearing in this proceeding, IT IS ORDERED,

1. Discovery concerning the Crop Study, the report on which is expected to be completed on or about July 27, 1984 will begin on August 20, 1984, and shall be completed by October 26, 1984, or within twelve weeks after the document production required in Paragraph 2 is completed, whichever occurs last.

2. Joint Applicants agree to produce to the other parties on August 3, 1984, the Crop Study report and all the related documents, including all drafts, preliminary studies, memoranda and correspondence relating to or in any way referring to the Crop Study.

3. If the University of Arizona does not complete the Crop Study by July 27, 1984, and the Joint Applicants do not produce said report and the applicable documents by August 3, 1984, the remaining schedule set forth in this Order shall be delayed by the amount of the delay incurred because of Joint Applicants' delay in completing the Crop Study.

4. The parties shall pre-file testimony together with a list of exhibits no later than November 26, 1984.

5. The evidentiary hearing shall begin on January 15, 1985.

6. If the Crop Study report is not produced by August 3, 1984, the parties shall pre-file testimony together with a list of exhibits no later than thirty (30) days after discovery concludes, and the evidentiary hearing shall begin one month later, or as soon after the one-month period as the Board in its discretion shall schedule.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Robert M. Lazo, Chairman
Administrative Judge