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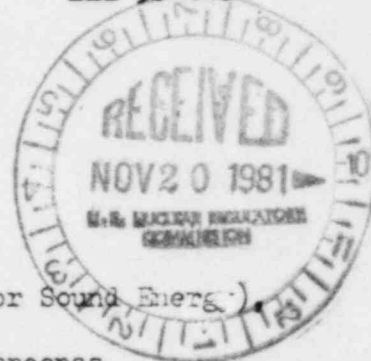
11/19/81

'81 NOV 19 P4:09 UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

CV

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)Docket Nos. 50-445
and 50-446CASE'S MOTION FOR ISSUANCE OF SUBPOENAS

Pursuant to 10 CFR 2.720, CASE (Citizens Association for Sound Energy), Intervenor herein, files this, its Motion for Issuance of Subpoenas.

As stated in CASE's Motion to Allow Testimony to Be Admitted On Affidavit Only of this same date, CASE has been unable to engage in fundraising activities because of the work load in recent weeks in these proceedings and we now find that we cannot afford the costs associated with having to subpoena witnesses. It is our understanding that if an Intervenor cannot afford to call a witness and the Licensing Board determines that the witness's testimony is important for the record to contain, the Licensing Board may call the witness as a Board witness and pay usual witness fees and expenses. Consumers Power Co. (Midland Plant, Units 1 and 2) ALAB-382, 5 NRC 603, 607-8 (1977).

As demonstrated by the information contained in the attached CASE's Answer to NRC Staff's Motion for Summary Disposition of Contention 25 (Financial Qualifications), each of the persons listed below has information relevant to CASE's Contention 25 and these proceedings. We therefore move that the Board issue subpoenas to these persons on its own authority.

We ask that the Board issue subpoenas to the following persons and that each of these persons be ordered to bring with him all pertinent information in his possession which may have a bearing on the financial qualifications of the Applicants, including the testimony listed specifically in CASE's Motion

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to Allow Testimony to Be Admitted on Affidavit of this same date, attached hereto:

1. David E. Kelch, Vice President and Treasurer of Texas Electric Service Company.
2. Joe D. Karney, Treasurer and Assistant Secretary of Dallas Power and Light Company.
3. Max H. Tanner, Jr., Vice President of Dallas Power and Light Company.
4. Gary L. Price, Treasurer and Assistant Secretary of Texas Power and Light Company.
5. The person within the Texas Utilities organization most knowledgeable about the sale by Texas Utilities to the City of Dallas of the utility's share of Lake Fork Reservoir, especially with regard to the financial considerations and reasons involved in such sale.
6. Erle A. Nye, formerly Vice-President of Dallas Power and Light Company, now Executive Vice-President of Texas Utilities Company.

The following two witnesses will be needed solely for the purpose of identifying and testifying to the authenticity of documents from the DP&L rate hearings before the city of Dallas and documents from the rate hearings before the PUC for DP&L, TP&L and TESCO, respectively.

However, CASE is also filing this day CASE's Request to Applicants for Admissions (attached). If Applicants agree to these admissions, in writing, it will not be necessary for the following two witnesses to be subpoenaed. We will immediately notify the Board if and when we receive an affirmative response from Applicants in this regard.

7. Philip K. Brown, Assistant Director of the Public Utilities Department of the City of Dallas, Texas, or other representative of the City of Dallas who is authorized keeper of the records of the Dallas Power and Light rate hearings before the City of Dallas.
8. Martha M. Burtow, Director of Records Services, Public Utility Commission of Texas, or other representative of the Texas Public Utility Commission who is keeper of the records of the Dallas Power and Light, Texas Power and Light, and Texas Electric Service Company rate hearings before the Texas Public Utility Commission.

CASE also believes that it would be helpful in these proceedings for the Board to subpoena Dr. Charles E. Olson, consultant for Dallas Power and Light Co., who has testified in rate hearings several times for the Texas Utilities companies (I believe three times for DP&L, 4 times for TESCO, and I'm not sure about TP&L).

9. Dr. Olson's address, as of the 12/80 DP&L rate hearings, is:

Dr. Charles E. Olson, President
Olson & Company, Inc.
2000 L Street, N. W.
Washington, D. C. 20036

Respectfully submitted,

Juanita Ellis

(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk Street
Dallas, Texas 75224
(214) 946-9446
(214) 941-1211, work, usually Tuesdays
and Fridays only

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)

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Docket Nos. 50-445
and 50-446

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SECRETARY
REG & SERVICE
BRANCH

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE'S MOTION TO ALLOW TESTIMONY TO BE ADMITTED ON AFFIDAVIT ONLY;

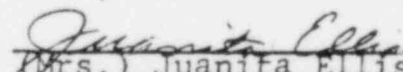
CASE'S MOTION FOR ISSUANCE OF SUBPOENAS; and

CASE'S REQUEST TO APPLICANTS FOR ADMISSIONS

have been sent to the names listed below this 18th day of November,
1981, by First Class mail locally and by Express Mail where indicated by *.

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| * Administrative Judge Marshall E. Miller
U. S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D. C. 20555 | David J. Preister, Esq.
Assistant Attorney General
Environmental Protection Division
P. O. Box 12548, Capitol Station
Austin, TX 78711 |
| * Dr. Kenneth A. McCollom
Dean, Division of Engineering,
Architecture and Technology
Oklahoma State University
Stillwater, Oklahoma 74074 | G. Marshall Gilmore, Esq.
1060 W. Pipeline Road
Hurst, Texas 76053 |
| * Dr. Richard Cole, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 | Atomic Safety and Licensing
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| * Nicholas S. Reynolds, Esq.
Debevoise & Liberman
1200 - 17th St., N. W.
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Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 |
| * Marjorie Ulman Rothschild, Esq.
Office of Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 | *Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 |

cc: Homer Schmidt - Texas Utilities


(Mrs.) Juanita Ellis, President
CASE (Citizens Association for
Sound Energy)