

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)
Generating Station,)
Units 1, 2 and 3))
)

Docket Nos. STN 50-528
STN 50-529
STN 50-530

APPLICATION FOR ISSUANCE OF CIVIL
SUBPOENA (EX PARTE)

Pursuant to Section 2.720 of the Commission's regulations, Joint Applicants Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company and Public Service Company of New Mexico, by and through their attorneys, hereby apply to the Atomic Safety and Licensing Board for the issuance of a Civil Subpoena to:

Wesley E. Steiner, Director
State of Arizona
Department of Water Resources
99 E. Virginia
Phoenix, Arizona 85004

for the purpose of requiring the above-named individual to appear at the hearing scheduled to commence in the above-captioned matter on April 27, 1982, to testify, if and when called by Joint Applicants, and to attend said hearing until discharged. A copy of the proposed Civil Subpoena is attached hereto.

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The Chairman of the Licensing Board is authorized to issue the proposed Subpoena pursuant to Section 2.720, which provides that on application by any party, the designated presiding officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. Pursuant to Section 2.720(b), the proposed Civil Subpoena attached hereto advises of the quashing procedure provided in paragraph (f) of Section 2.720.

The only contention to be heard in the forthcoming hearing is Intervenor's Contention No. 5, which alleges that Joint Applicants will not have an assured supply of usable treated effluent for cooling purposes for Unit 3 of the Palo Verde Nuclear Generating Station during months of peak reactor need for the first five years of operation. By Memorandum and Order dated March 17, 1982, the Licensing Board denied Joint Applicants' Motion for Summary Disposition of Intervenor's Contention No. 5 because of a letter dated February 10, 1982, addressed to the Board Chairman by Mr. Bill Stephens, Executive Director of the Arizona Municipal Water Users' Association ("AMWUA").

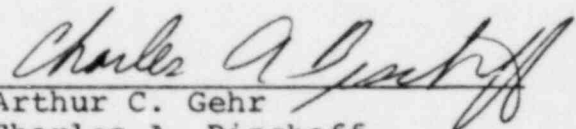
By letter to the Licensing Board dated April 12, 1982, Joint Applicants advised the Board and the other parties to the proceeding that they would have present at the hearing persons prepared to give testimony, if and as required, in response to questions raised by the Board and statements made by individuals

or organizations making limited appearances related to Contention No. 5. Joint Applicants identified Mr. Steiner as being included among such individuals following consultations with him. Counsel for Joint Applicants has since been informed by Mr. Steiner that his counsel has advised him that because of his official position it would be preferable if Joint Applicants obtained a subpoena to have him appear at the hearing rather than to appear voluntarily without a subpoena. Counsel for Joint Applicants told Mr. Steiner that a subpoena would be obtained pursuant to his request. Having Mr. Steiner available to testify would be beneficial for the reason that he is knowledgeable about water resources in the State of Arizona, including groundwater and water to become available from the Central Arizona Project.

WHEREFORE, Joint Applicants respectfully request that the Chairman of the Licensing Board issue a Civil Subpoena in the form attached hereto directing Mr. Steiner to appear and give testimony, if called by Joint Applicants, at the hearing commencing April 27, 1982.

RESPECTFULLY SUBMITTED this 26th day of April, 1982.

By



Arthur C. Gehr
Charles A. Bischoff
3100 Valley Bank Center
Phoenix, Arizona 85073

Attorneys for Joint
Applicants

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
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_____)	

SUBPOENA (CIVIL)

THE NUCLEAR REGULATORY COMMISSION AND ROBERT M. LAZO, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: Wesley E. Steiner,
Director, State of Arizona Department of Water Resources,
99 E. Virginia, Phoenix, Arizona 85004.

YOU ARE HEREBY COMMANDED to appear at the hearing
commencing on April 27, 1982, at 10:00 a.m. at the Federal
Building,* 230 N. First Avenue, Phoenix, Arizona 85025, then
and there to testify in the above-captioned matter on behalf
of Joint Applicants, and to attend said hearing until discharged.

You have been subpoenaed by Arizona Public Service
Company, Salt River Project Agricultural Improvement and Power
District, Southern California Edison Company, El Paso Electric
Company, and Public Service Company of New Mexico, Joint Appli-
cants in the above-captioned matter.

* The number of the courtroom will be available at the Office
of the Clerk of the United States District Court (Room 1400).

Pursuant to the Commission's regulations at 10 CFR §2.720(f), on motion by you made promptly, and in any event at or before 10:00 o'clock a.m. on April 27, 1982, and on notice to attorneys for Joint Applicants, the Chairman of the Atomic Safety and Licensing Board or, if he is unavailable, the Commission may (1) quash or modify the Subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA MAY BE DEEMED A CONTEMPT AND APPROPRIATE SANCTIONS MAY BE ORDERED.

DATED THIS _____ day of _____, 1982.

ATOMIC SAFETY AND LICENSING BOARD

By _____
Robert M. Lazo
Chairman

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Application for Issuance of Civil Subpoena (Ex Parte)" have been served upon the following listed persons by deposit in the United States mail, properly addressed and with postage prepaid, or, as indicated by an asterisk, by hand delivery, this 26th day of April, 1982.

Docketing and Service Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

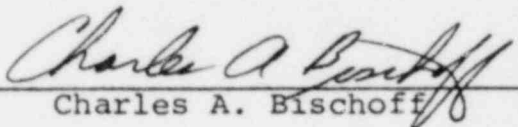
Chairman, Maricopa County Board of Supervisors
111 South Third Avenue
Phoenix, AZ 85004

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

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

* Robert M. Lazo, Esq.
Chairman, Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

- * Dr. Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Dr. Dixon Callahan
Union Carbide Corporation
P.O. Box Y
Oak Ridge, TN 37830
- * Lee Scott Dewey, Esq.
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Edwin J. Reis, Esq.
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- Rand L. Greenfield, Esq.
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Santa Fe, NM 87504
- * Patricia Lee Hourihan
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Charles A. Bischoff