

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 DUCES TECUM (EX PARTE)

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 Duces Tecum to:

Patricia Lee Hourihan
6413 S. 26th Street
Phoenix, Arizona 85040,

a party in this proceeding, for the purpose of requiring the
above-named individual to give testimony and produce relevant
documents, pursuant to Section 2.720 of the Commission's regula-
tions. A copy of the proposed Civil Subpoena Duces Tecum is
attached hereto.

The Chairman of the Licensing Board is authorized to
issue the proposed Subpoena pursuant to Section 2.720, which

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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 Duces Tecum attached hereto advises of the quashing procedure provided in paragraph (f) of Section 2.720.

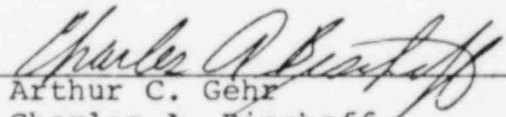
The testimony which Joint Applicants seek to have Ms. Hourihan give on oral examination, and the documents which Joint Applicants seek to have Ms. Hourihan produce, relate to (1) Contention No. 5 respecting water availability and (2) construction deficiencies which Ms. Hourihan alleged to exist during the April 6, 1982, telephone conference call among Judges Lazo and Cole and the parties to this proceeding, and which, Ms. Hourihan stated, would form the basis of a new contention. Such testimony and documents are clearly relevant to this proceeding. Although, to Joint Applicants' knowledge, Ms. Hourihan has not yet filed a proposed new contention respecting construction deficiencies, Joint Applicants wish to pursue discovery and get to the bottom of this serious allegation as soon as possible.

The undersigned counsel for Joint Applicants hereby avows that he telephoned Ms. Hourihan's residence during the afternoon of April 8, 1982, in an attempt to arrange a mutually acceptable time for the oral deposition, and left a request with the person answering that Ms. Hourihan return the call, but

that as of 3:00 o'clock p.m., Arizona time, on April 9, 1982, Ms. Hourihan had not returned the call. In view of past failures by Ms. Hourihan to return Joint Applicants' counsels' telephone calls, see, e.g., "Joint Applicants' Response to Items Listed in Board's Order Concerning Sua Sponte Issue," dated January 15, 1982, at page 3, Joint Applicants submit that a reasonable and warranted course of action for them to take is apply for a subpoena.

WHEREFORE, Joint Applicants respectfully request that the Chairman of the Licensing Board issue a Civil Subpoena Duces Tecum in the form attached hereto directing Ms. Hourihan to appear and give testimony and to produce the documents noted therein.

RESPECTFULLY SUBMITTED this 9th 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
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SUBPOENA DUCES TECUM (CIVIL)

THE NUCLEAR REGULATORY COMMISSION AND ROBERT M. LAZO, CHAIRMAN, ATOMIC SAFETY AND LICENSING BOARD, TO: Patricia Lee Hourihan, 6413 S. 26th Street, Phoenix, Arizona 85040.

YOU ARE HEREBY COMMANDED to appear and give your deposition upon oral examination in the above-captioned matter before an officer authorized to administer oaths on Monday, April 19, 1982, at 9:00 o'clock a.m., in the law offices of Snell & Wilmer, 3100 Valley Bank Center, Phoenix, Arizona 85073.

YOU ARE ALSO COMMANDED TO bring with you and produce any and all documents, within your possession, custody or control, regarding the below-listed subjects, other than those documents (1) produced by you pursuant to Joint Applicants' First Set of Interrogatories and Requests for Production of Documents to Intervenor, dated May 22, 1981, or (2) attached to any pleadings filed by you in this proceeding and served on Joint Applicants. Documents regarding the following subjects must be produced:

1. Contention No. 5.
2. Allegations made by you during the telephone conference call on April 6, 1982, respecting construction deficiencies related to electrical work at Palo Verde Nuclear Generating Station.

For purposes of this Subpoena, "all documents" is used in its customary broad sense to mean all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, all drafts, alterations, modifications, changes and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion pictures), and any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories).

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 Applicants in the above-captioned matter.

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 9:00 o'clock a.m. on April 19, 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