

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)	
)	
HOUSTON LIGHTING AND POWER)	Docket Nos. 50-498A
CO., et al. (South Texas)	50-499A
Project, Units 1 and 2))	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445A
COMPANY (Commanche Peak)	50-446A
Steam Electric Station,)	
Units 1 and 2))	

APPLICATION FOR ISSUANCE OF SUBPOENA

Pursuant to 10 C.F.R. § 2.720 the Department of Justice ("Department") makes application for the issuance of the subpoenas, attached hereto as follows: (1) to Mr. T.B. Brister, Secretary of the Carter Oil Company ("Company"), Houston, Texas, in his capacity as the Keeper of the Records for the Company relating to the documents requested in the subpoena; and (2) to Mr. Barney Phillips, in his capacity as the Project Manager of the East Texas coal or lignite gasification project planned or sponsored, solely or in part, by the Company, to appear for a deposition by the Department. The document production and questions will generally relate to the Company's requirements for electrical power or energy from various electrical power or energy suppliers in constructing

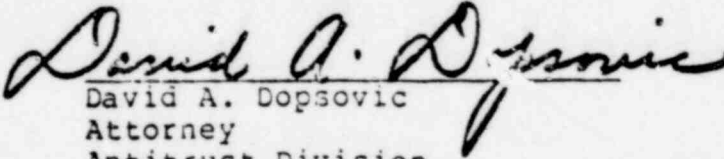
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and operating its proposed East Texas coal or lignite gasification plant.

WHEREFORE, the Department respectfully asks this Board to sign the enclosed subpoenas and return them to the undersigned at the United States Department of Justice, Antitrust Division, Energy Section, P.O. Box 14141, Washington, D.C. 20444.

Respectfully submitted,


David A. Dopsovic
Attorney
Antitrust Division
Energy Section
Washington, D.C.

October 24, 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
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HOUSTON LIGHTING AND POWER)
CO., et al. (South Texas)
Project, Units 1 and 2))
)

Docket Nos. 50-498A
50-499A

TEXAS UTILITIES GENERATING)
COMPANY (Comanche Peak Steam)
Electric Station, Units 1)
and 2))
)

Docket Nos. 50-445A
50-446A

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing APPLICATION FOR ISSUANCE OF SUBPOENA has been made on the following parties listed hereto this 24th day of October 1979, by depositing copies thereof in the United States mail, first class, postage prepaid.

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U.S. Nuclear Regulatory
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Office of the Secretary of the
Commission
U.S. Nuclear Regulatory
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Washington, D. C. 20555

Chase R. Stephens, Secretary
Docketing and Service Branch
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Commission
Washington, D. C. 20555

Jerome Saltzman
Chief, Antitrust and
Indemnity Group
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1329 039

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1329 040

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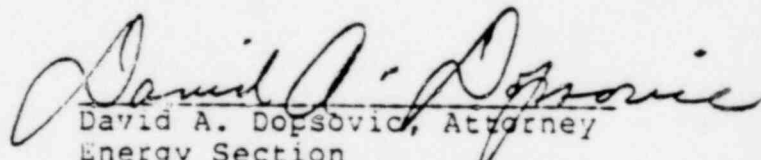
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Donald M. Clements, Esq.
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Beaumont, Texas 77704


David A. Dopsovic, Attorney
Energy Section
Antitrust Division
Department of Justice

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United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

Houston Lighting And Power CO., et
al. (South Texas Project, Units 1
and 2)

Texas Utilities Generating Company
(Commanche Peak Steam Electric
Station, Units 1 and 2)

TO
Mr. T.B. Brister
Secretary
The Carter Oil Company
Dresser Tower
Louisiana & Smith Streets
Houston, Texas 77001
P.O. Box 2180

50-498A
50-499A
DUP NET NO.
50-445A
50-446A

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YOU ARE HEREBY COMMANDED to appear

at ~~xxxx~~ the Offices of the United States
Attorney, 515 Rusk Street

in the city of Houston, Texas
on the 16 day of November 1979 at 9:30 o'clock AM
to testify

in the above action entitled action and bring with you the document(s) or object(s)
described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

David A. Dopsovic
Susan B. Cyphert

Attorneys for Antitrust Division
United States Department of Justice
Washington, D.C. 20530
Teletype 202-724-7937

_____, 19____

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10 C.F.R. 2.720 (f)

The motion under paragraph (f) of this section
at or before the time specified in the subpoena
for compliance by the person or persons the sub-
poena is directed to be produced to the party in
whose instance the subpoena was issued, the

producing object or, if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter at issue, or (2) con-
dition denial of the motion on just and reasonable
terms.

SCHEDULE

I.

DEFINITIONS

"Document" means, without limiting the generality of its meaning, all original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of negotiation made on such copies or otherwise) of all written, recorded or graphic matter, however produced or reproduced, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.

II.

CLAIM OF PRIVILEGE

If any document is withheld under claim of privilege, furnish a list which identifies each document for which privilege is claimed and which includes the following information for each such document: date, subject matter, sender, recipient, persons to whom copies were furnished together with their job titles, the basis of which privilege is claimed, and the paragraph(s) of this subpoena to which such documents responds.

III.

INSTRUCTIONS REGARDING GROUPING AND NUMBERING DOCUMENTS

It is requested that the documents submitted should be arranged, as much as possible, in chronological order.

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In order to facilitate the handling of the documents which will be received it would be appreciated if each of the documents would be numbered consecutively. It is suggested that in numbering the documents each page be numbered, except in those instances where the documents are bound together, when numbering only the first page is appropriate. This procedure, if followed, will preserve the identity of all the documents coming from the company, and also insure the accurate and expeditious return of these documents to the company.

Should any questions arise concerning this subpoena please contact Susan B. Cyphert (202-724-6667 or 724-6361) or David A. Dopsovic (202-724-7937) at the following address:

Department of Justice
P.O. Box 14141
Washington, D.C. 20044

IV.

DOCUMENTS TO BE PRODUCED

All documents, memoranda and correspondence which relate or refer in any way to the period from January 1, 1973 to the present relating to the electrical power (or energy) supply requirements of, and potential electrical power suppliers for, the East Texas lignite or coal gasification project being planned by or under the partial or sole sponsorship of the Carter Oil Company, including but not limited to documents, memoranda and correspondence relating to Texas Power & Light Company, Southwestern Electric Service Company, Southwestern Electric Power Company and Cherokee County Electric Cooperative.

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pressing objection, 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 a denial of the motion on just and reasonable terms.