

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
HOUSTON LIGHTING & POWER COMPANY,)	NRC DOCKET NOS. 50-498A
THE CITY OF SAN ANTONIO, THE CITY)	50-499A
OF AUSTIN, and CENTRAL POWER AND)	
LIGHT COMPANY)	
(South Texas Project, Unit Nos.)	
1 and 2))	
)	
TEXAS UTILITIES GENERATING COMPANY,)	
<u>ET AL.</u>)	NRC DOCKET NOS. 50-445A
(Comanche Peak Steam Electric)	50-446A
Station, Unit Nos. 1 and 2))	

MOTION FOR MODIFICATION
OF PROTECTIVE ORDER

Central and South West Corporation, Central and South West Services, Inc., Central Power and Light Company ("CPL"), West Texas Utilities Company ("WTU"), Public Service Company of Oklahoma ("PSO") and Southwestern Electric Power Company ("SWEPCO") (collectively "the Movants"), pursuant to 10 C.F.R. §§ 2.740(c) and 2.790(b)(6), move for the modification of a Protective Order previously entered concerning the disclosure of certain documents and information which Movants have been requested to produce or disclose by Houston Lighting and Power Company ("HLP"). Since certain of these documents and information may also be made available to Texas Utilities Generating Company,

1546 321

7912130 057

m

and its affiliated companies, Texas Electric Service Company, Dallas Power & Light Company and Texas Power and Light Company (the "TU Companies"), Movants request that the Protective Order requested herein also be made applicable to the documents and information disclosed to those parties, and be made binding on the TU Companies.

This Board has previously entered, on March 23, 1979, a Protective Order governing the production of documents by CPL, WTU, PSO and SWEPCO to HLP in response to interrogatories and request for production of documents filed by HLP. Movants now request that that Protective Order (a) be expanded to include documents produced by Central and South West Corporation and Central and South West Services, Inc., (b) be expanded to include an additional category of documents considered as "confidential" consisting of "all documents and information referring or relating to or setting forth the current or future terms and conditions of gas or other fuel supply to any Movant, including entitlements, ownership interests or any other form of control of or access to gas or other fuel"; and (c) as amended by this Order, be made binding on the TU Companies.

WHEREFORE Movants respectfully request that this Board enter an order expanding the terms of the Protective Order previously entered on March 23, 1979 as set forth herein.

1546 322

Respectfully submitted,

ISHAM, LINCOLN & BEALE

By Carol Stahl.
Attorneys for Central and South
West Corporation, et al.

Isham, Lincoln & Beale
1050 17th Street, N.W.
Suite 701
Washington, D.C. 20036

Dated: November 21, 1979

1546 323

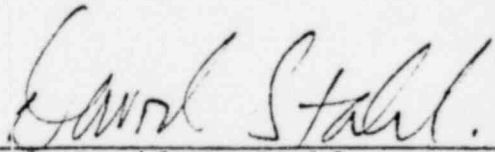
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	§	
	§	
HOUSTON LIGHTING & POWER	§	NRC DOCKET NOS. 50-498A
COMPANY, THE CITY OF SAN	§	50-499A
ANTONIO, THE CITY OF AUSTIN,	§	
and CENTRAL POWER AND LIGHT	§	
COMPANY	§	
(South Texas Project, Unit	§	
Nos. 1 and 2)	§	
	§	
TEXAS UTILITIES GENERATING	§	NRC DOCKET NOS. 50-445A
COMPANY, ET AL.	§	50-446A
(Comanche Peak Steam	§	
Electric Station,	§	
Unit Nos. 1 and 2)	§	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing:
MOTION FOR MODIFICATION OF PROTECTIVE ORDER was served upon
the following persons by deposit in the United States mail,
first class postage prepaid this 21st day of November, 1979.


David M. Stahl

1546 324

Marshall E. Miller, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Michael L. Glaser, Esq.
1150 17th Street, N. W.
Washington, D. C. 20036

Sheldon J. Wolfe, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Chase R. Stephens (20)
Docketing and Service Section
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Jerome D. Saltzman
Chief, Antitrust and Indemnity Group
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

J. Irion Worsham, Esq.
Merlyn D. Sampels, Esq.
Spencer C. Relyea, Esq.
Worsham, Forsythe & Sampels
2001 Bryan Tower, Suite 2500
Dallas, Texas 75201

Jon C. Wood, Esq.
W. Roger Wilson, Esq.
Matthews, Nowlin, Macfarlane & Barrett
1500 Alamo National Building
San Antonio, Texas 78205

J. A. Bouknight, Esq.
Bill Franklin, Esq.
Lowenstein, Newman, Reis, Axelrad
& Toll
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

R. Gordon Gooch, Esq.
Baker & Botts
1701 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Roy P. Lessy, Jr., Esq.
Michael B. Blume, Esq.
U.S. Nuclear Regulatory Comm
Washington, D.C. 20555

Roff Hardy
Chairman and Chief Executive
Officer
Central Power & Light Co.
P. O. Box 2121
Corpus Christi, Texas 78403

G. V. Spruce, Gen. Manager
City Public Service Board
P. O. Box 1771
San Antonio, Texas 78203

Mr. Perry G. Brittain
President
Texas Utilities Generating C
2001 Bryan Tower
Dallas, Texas 75201

R. L. Hancock, Director
City of Austin Electric Util
P. O. Box 1088
Austin, Texas 78767

G. W. Oprea, Jr.
Executive Vice President
Houston Lighting & Power Co.
P. O. Box 1700
Houston, Texas 77001

Michael I. Miller, Esq.
Isham, Lincoln & Beale
One First National Plaza
Chicago, Illinois 60603

Morgan Hunter, Esq.
Bill D. St. Clair, Esq.
McGinnin, Lockridge & Kilgo
Fifth Floor, Texas State
Bank Building
900 Congress Avenue
Austin, Texas 78701

Don R. Butler, Esq.
1225 Southwest Tower
Austin, Texas 78701

Jerry L. Harris, Esq.
Richard C. Balough, Esq.
City of Austin
P. O. Box 1088
Austin, Texas 78767

Joseph B. Knotts, Jr., Esq.
Nicholas S. Reynolds, Esq.
Debevoise & Liberman
1200 17th Street, N. W.
Washington, D. C. 20036

Don H. Davidson
City Manager
City of Austin
P. O. Box 1088
Austin, Texas 78767

Jay Galt, Esq.
Looney, Nichols, Johnson & Hays
219 Couch Drive
Oklahoma City, Oklahoma 73102

Knoland J. Plucknett
Executive Director
Committee on Power for the
Southwest, Inc.
5541 East Skelly Drive
Tulsa, Oklahoma 74135

John W. Davidson, Esq.
Sawtelle, Goods, Davidson & Tiolo
1100 San Antonio Savings Building
San Antonio, Texas 78205

Douglas F. John, Esq.
Akin, Gump, Haver & Feld
1333 New Hampshire Avenue, N. W.
Suite 400
Washington, D. C. 20036

W. N. Woolsey, Esq.
Dyer and Redford
1030 Petroleum Tower
Corpus Christi, Texas 78474

Donald Clements
Gulf States Utilities Company
P. O. Box 2951
Beaumont, Texas 77704

W. S. Robson
General Manager
South Texas Electric
Cooperative, Inc.
Route 6, Building 102
Victoria Regional Airport
Victoria, Texas 77901

Robert C. McDiarmid, Esq.
Robert A. Jablon, Esq.
Marc R. Poirier
Speigel & McDiarmid
2600 Virginia Avenue, N.W.
Washington, D. C. 20036

Kevin B. Pratt
Texas Attorney General's Office
P. O. Box 12548
Austin, Texas 78711

William H. Burchette, Esq.
Frederic H. Ritts, Esq.
Law Offices of Northcutt Ely
Watergate Building
Washington, D. C. 20037

Wheatley & Miller
1112 Watergate Office Bldg.
2600 Virginia Avenue, N.W.
Washington, D. C. 20037

Joseph Rutberg, Esq.
Antitrust Counsel
Counsel for NRC Staff
U.S. NRC
Washington, D. C. 20555

Linda L. Aaker, Esq.
Asst. Attorney General
P. O. Box 12548
Capitol Station
Austin, Texas 78711

Robert M. Rader
Conner, Moore & Corber
1747 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Melvin G. Berger, Esq.
Ronald Clark, Esq.
Antitrust Division, Energy
Section
Room 8308
U.S. Department of Justice

Charles G. Thrash, Jr., Esq.
E. W. Barnett, Esq.
Theodore F. Weiss, Esq.
J. Gregory Copeland, Esq.
Baker & Botts
3000 One Shell Plaza
Houston, Te77002

Donald A. Kaplan, Chief
Robert Fabrikant, Asst. Chief
Energy Section
Antitrust Division
U.S. Department of Justice
Washington, D.C. 20530

Joseph J. Saunders, Esq.
Chief, Public Counsel &
Legislative Section
Antitrust Section
U.S. Department of Justice
P. O. Box 14141
Washington, D. C. 20044

Robert E. Bathen
R. W. Beck & Associates
P. O. Box 6817
Orlando, Florida 82853

Eleanor Kaye Clayton

1546 327

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	\$	
	\$	
HOUSTON LIGHTING & POWER	\$	NRC DOCKET NOS. 50-498A
COMPANY, THE CITY OF SAN	\$	50-499A
ANTONIO, THE CITY OF AUSTIN,	\$	
and CENTRAL POWER AND LIGHT	\$	
COMPANY	\$	
(South Texas Project, Unit	\$	
Nos. 1 and 2)	\$	
	\$	
TEXAS UTILITIES GENERATING	\$	NRC DOCKET NOS. 50-445A
COMPANY, ET AL.	\$	50-446A
(Comanche Peak Steam	\$	
Electric Station,	\$	
Unit Nos. 1 and 2)	\$	

MODIFICATION OF PROTECTIVE ORDER

On March 23, 1979, this Board entered a Protective Order governing the production of documents by Central Power & Light Company, West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company to Houston Lighting & Power Company in response to Interrogatories and Requests for Production of Documents filed by HLP. On November 21, 1979, Movants, along with the Central and South West Corporation and Central and South West Services, Inc., filed a Motion for Modification of Protective Order in which it was represented that certain of the documents and information which HLP has requested may also be disclosed to the Texas Utilities Generating Company and/or its

affiliated companies: Texas Electric Service Company, Dallas Power & Light Company and Texas Power & Light Company (the "TU Companies"). That motion specifically requested that the March 23, 1979 Protective Order be expanded to include as confidential documents "all documents and information referring or relating to or setting forth the current or future terms and conditions of gas or other fuel supply to any Movant, including entitlements, ownership interests or any other form of control of or access to gas or other fuel" and to include documents produced by Central and South West Corporation and Central and South West Services, Inc.; and that the March 23, 1979 Protective Order should be made applicable to and binding on the TU Companies.

For good cause shown, it is therefore ordered that the Protective Order previously entered by this Board in this matter on March 23, 1979:

(a) is expanded to include an additional category of documents considered as "confidential" consisting of "all documents and information (repeat as above);

(b) is expanded to include documents produced by the Central and South West Corporation and Central and South West Services, Inc., and

(c) as amended by this Order, is made binding on the TU companies.