

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 (Comanche Peak Steam	)	50-446A
Electric Station, Units 1	)	
and 2)	)	

REPORT OF THE DEPARTMENT OF JUSTICE - JULY, 1979

Pursuant to the Order dated June 21, 1978, issued by the Atomic Safety and Licensing Board ("Board"), the Department of Justice ("Department") submits this report on the progress made in completing discovery during the month of July, 1979.

On July 3, 1979, the Department filed a joint motion with the Staff of the Nuclear Regulatory Commission ("Staff") for the issuance of subpoenas for depositions and document examinations to take place during the period of July through October, 1979. At the same time, the Department filed a joint motion with the Staff for partial reconsideration of the Board's Order of June 25, 1979, terminating discovery at

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the end of October. As part of this latter motion, the Department and the NRC applied for the issuance of additional subpoenas for depositions and document examinations to take place during the months of November and December, 1979. On July 10, 1979, the Staff filed a joint application with the Department for the issuance of other subpoenas for depositions and document examinations. The joint motion for partial reconsideration was granted by the Board in an Order, dated July 24, 1979. All of the requested subpoenas were issued and, to the best of the Department's information and belief, have been served. The parties are now in the midst of an intense period of depositions as a result of these subpoenas and as a result of other subpoenas issued by the Board in response to applications by Houston Lighting and Power Company ("HL&P") and Texas Utilities Generating Company ("TUGCO").

In preparation for these depositions, on July 13, 1979, the Department filed its first supplemental response to TUGCO's first set of interrogatories and request for production of documents and to HL&P's second set of interrogatories and request for production of document (containing updated information with respect to its expert witnesses). Additionally, during the month of July, the parties began a voluntary process of exchanging lists and/or copies of prior testimony and/or publications of expert witnesses who are likely to testify in these proceedings.

On July 3, 1979, the Department received from HL&P certain documents responsive to the Department's initial discovery request. HL&P had initially withheld these documents under a claim of privilege. Certain other documents which had been withheld, however, remained the subject of disagreement between the Department and counsel for HL&P. On July 11, 1979, the Department filed a motion to compel production of those documents. On July 24, 1979, HL&P filed a motion for an extension of time within which to respond to the Department's motion to compel. By Order dated July 25, 1979, the Board granted the motion for an extension of time and set August 6, 1979 as HL&P's deadline for responding to the Department's motion. \*/

During the month of July, the Department also executed the acknowledgment provided for in the "Stipulation to Protective Order," signed by Chairman Miller on July 23, 1979, regarding production of documents by Gulf States Utilities Company ("GSU"). Those documents were then produced to the Department and the Department is in the process of having them copied for the Staff and the Public

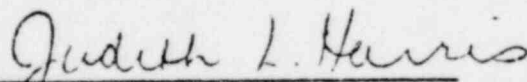
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\*/ It should be noted that, in July, the Department also received supplemental answers from TUGCO to the Department's first discovery request.

Utilities Board of the City of Brownsville. Additionally, the Department has received from the attorney for GSU brief summaries of documents pertaining to negotiations between Sam Rayburn Dam Cooperative and GSU and pertaining to purportedly privileged attorney-client communications. The Department is currently in the process of reviewing the GSU documents and the privilege list. Also, during July, the Department continued to receive and is reviewing documents from Central Power & Light Company and Southwestern Electric Power Company ("SWEPCO").

Finally, the Department wishes to call to the attention of the Board and to the attention of all parties to these proceedings the fact that Judith L. Harris, presently lead counsel for the Department, will be leaving the Washington office of the Department's Antitrust Division in the middle of August for a temporary assignment to the San Francisco Field Office. She will be replaced as lead counsel by Susan B. Cyphert. Ms. Harris' new address and phone number will be: San Francisco Field Office, Antitrust Division, U.S. Department of Justice, Box 36046, 450 Golden Gate Blvd., San Francisco, California 94102; phone number (415) 556-6300.

Respectfully submitted,

  
Judith L. Harris  
Susan B. Cyphert  
Ronald H. Clark  
Frederick H. Parmenter

Attorneys, Energy Section  
Antitrust Division  
U.S. Department of Justice  
Washington, D.C. 20530

August 3, 1979

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50-446A

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing REPORT OF THE DEPARTMENT OF JUSTICE - JULY, 1979 has been made on the following parties listed hereto this 3rd day of August, 1979, by depositing copies thereof in the United States mail, first class, postage prepaid.

Marshall E. Miller, Esquire  
Chairman  
Atomic Safety & Licensing Board  
Panel  
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

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

Richard S. Salzman, Esquire  
U.S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Sheldon J. Wolfe, Esquire  
Atomic Safety & Licensing Board  
Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Jerome E. Sharfman, Esquire  
U.S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

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

Chase R. Stephens, Secretary  
Docketing and Service Branch  
U.S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

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



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

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

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

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

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

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

Joseph Gallo, Esquire  
Richard D. Cudahy, Esquire  
Robert H. Loeffler, Esquire  
Isham, Lincoln & Beale  
Suite 701  
1050 17th Street, N.W.  
Washington, D. C. 20036

Michael I. Miller, Esquire  
Richard E. Powell, Esquire  
David M. Stahl, Esquire  
Thomas G. Ryan, Esquire  
Martha E. Gibbs, Esquire  
Isham, Lincoln & Beale  
One First National Plaza  
Chicago, Illinois 60603

Roy P. Lessy, Esquire  
Michael Blume, Esquire  
U.S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

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

Robert C. McDiarmid, Esquire.  
Robert A. Jablon, Esquire  
Spiegel and McDiarmid  
2600 Virginia Avenue, N.W.  
Washington, D. C. 20036

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

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

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

Joseph Knotts, Esquire  
Nicholas S. Reynolds, Esquire  
Debevoise & Liberman  
1200 17 Street, N.W.  
Washington, D. C. 20036

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

Morgan Hunter, Esquire  
McGinnis, Lochridge & Kilgore  
5th Floor, Texas State Bank  
Building  
900 Congress Avenue  
Austin, Texas 78701

Jay M. Galt, Esquire  
Looney, Nichols, Johnson  
& Hayes  
219 Couch Drive  
Oklahoma City, Oklahoma 73101

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

John W. Davidson, Esquire  
Sawtelle, Goode, Davidson  
& Tioilo  
1100 San Antonio Savings  
Building  
San Antonio, Texas 78205

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

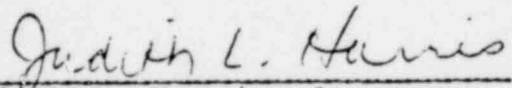
R. Gordon Gooch, Esquire  
John P. Mathis, Esquire  
Baker & Botts  
1701 Pennsylvania Avenue, N.W.  
Washington, D. C. 20006

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

E. W. Barnett, Esquire  
Charles G. Thrash, Jr., Esquire  
J. Gregory Copeland, Esquire  
Theodore F. Weiss, Jr., Esquire  
Baker & Botts  
3000 One Shell Plaza  
Houston, Texas 77002

Kevin B. Pratt, Esquire  
Assistant Attorney General  
P.O. Box 12548  
Capital Station  
Austin, Texas 78711

Frederick H. Ritts, Esquire  
Law Offices of Northcutt Ely  
Watergate 600 Building  
Washington, D.C. 20037

  
Judith L. Harris, Attorney  
Energy Section  
Antitrust Division  
Department of Justice