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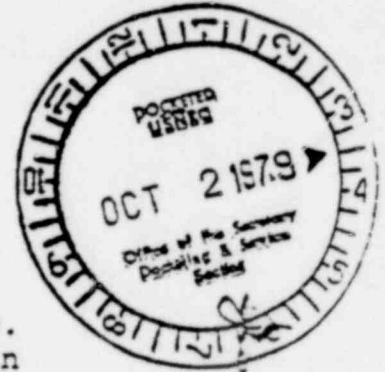
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NRC PUBLIC DOCUMENT ROOM

September 28, 1979

David M. Stahl, Esq.  
Isham, Lincoln & Beale  
1050 - 17th Street, N.W.  
Washington, D.C. 20036



Re: Document production by  
Central Power & Light Co.  
related to depositions in  
Houston Lighting & Power, et al.  
(South Texas Project, Units 1 and 2)  
NRC Docket Nos. 50-498A, 50-499A

Dear Mr. Stahl:

You and I had a telephone conversation on Wednesday, September 26, in which you informed me of the probable dates for the depositions of Mr. William Price, Mr. Joe Durham and possibly Mr. Wayne Siegelin on October 2 and 3 in Corpus Christi, Texas, in the above-referenced proceeding. You told me that documents were being produced at the time of the depositions, and indicated for the first time that the Public Utilities Board of the City of Brownsville, Texas ("PUB") would not have access to these documents until it signed your draft protective order relating to confidentiality.

I strongly object to the way in which the issue of a protective order has been raised at the last minute. PUB has been put in the position of choosing either to accede to a protective order which we regard as unacceptable without a full opportunity to negotiate a reasonable and limited agreement, or else to participate in the deposition without reviewing the documents produced there, thus losing most of the benefit of participation. Neither of these alternatives is acceptable.

You did submit to our offices on August 30, 1979 a proposed protective order, but it specifically refers to the documents produced by CP&L and other CSW companies at PUB's request, pursuant to "voluntary cooperation" between PUB and the CSW Companies, in other words, the documents that the various CSW Companies would have produced if the Board had issued the subpoenas duces tecum that PUB requested.

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This proposed order nowhere indicates you intended to apply it to EL&P/TU subpoenas.

Moreover, PUB has strong objections to some of the provisions which you have proposed, as I have outlined in detail in a separate letter to you dated today and which we have discussed with your co-counsel before. Since I understood you to say Wednesday that you expected the same proposed protective order to apply to these deposition documents, I anticipate that we will need to discuss the treatment of confidential documents thoroughly before we can reach an agreement. Indeed, we regard some of your positions as so unreasonable that there is little hope of resolution by agreement, if you maintain your position.

Although I have been trying to find out from the principal parties since September 21 what arrangements were being made about the depositions in Corpus Christi, you and other counsel were out of town, at other depositions I believe, and the conversation I had with you on Wednesday was the first contact with an attorney I managed to have on the CP&L depositions. (Mr. Baldwin of Baker & Botts telephoned me on Thursday, September 27.) As I stated in a letter of September 26, 1979 to Mr. Copeland of Baker & Botts, that fact that PUB does not have the resources to attend all the depositions scheduled in this proceeding does not mean we are not entitled to be kept informed of current scheduling and other plans.

If you had contacted us about confidentiality sufficiently in advance, I am sure we would have been able to resolve the matter or obtain a timely ruling on our differences. Because of the very short time remaining before the document production and discovery, I am doubtful that we will be able to resolve the question of access to documents in a satisfactory manner in time. If PUB is prevented in this way from participating fully in the depositions, we may find it necessary to seek further depositions of these witnesses at a later date, and I hereby inform you that we reserve this right.

Very truly yours,

*Marc Poirier*

Marc R. Poirier  
Attorney for the Public  
Utilities Board of the City  
of Brownsville, Texas

cc: Atomic Safety and Licensing  
Board Panel  
All parties

KFP:stp

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