

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of:)

HOUSTON LIGHTING & POWER COMPANY,)
THE CITY OF SAN ANTONIO, THE CITY)
OF AUSTIN, and CENTRAL POWER AND)
LIGHT COMPANY)
(South Texas Project, Units)
1 and 2))

NRC DOCKET NOS. 50-445A
50-499A

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

NRC DOCKET NOS. 50-445A
50-446A

RESPONSE TO MOTION FOR PROTECTIVE ORDER,
AND MOTION FOR MODIFIED PROTECTIVE ORDER
BY THE PUBLIC UTILITIES BOARD
OF THE CITY OF BROWNSVILLE, TEXAS

The Public Utilities Board of the City of Brownsville, Texas ("City"), pursuant to 10 C.F.R. §2.730, hereby responds to the Motion for Protective Order filed with the Commission on October 16 by Central and South West Corporation, Central and South West Services, Inc., Central Power & Light Company ("CP&L"), West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively the "C&SW Companies"). The City also submits a proposed Protective Order that it believes would adequately protect the legitimate interests of the C&SW Companies in maintaining confidentiality without unduly burdening the City; and requests the Atomic Safety and Licensing Board to issue a modified protective order in this form, pursuant to 10 C.F.R. §2.740 (c). The City does not oppose the categories of documents described in the C&SW Companies' proposed order, but objects to some of the procedures and restrictions set forth in the CSW Companies' proposed order.

1292 094

7911070 382 m

BACKGROUND

The City is compelled to restate the background of this issue in order to avoid any inferences that might mistakenly be drawn from the C&SW Companies' statement of facts.

On January 3, 1979, the City requested CP&L to respond to interrogatories and produce documents in its own behalf and for all the C&SW Companies. On February 28, 1979 CP&L filed a motion for a protective order requesting a) that it not be required to respond for the other C&SW companies, and b) that certain categories of documents be designated confidential and that access to them be restricted. The City responded to this Motion on March 15, 1979, and also filed, in the alternative, requests for issuance of third party subpoenas duces tecum to the other C&SW Companies. At the prehearing conference on March 20, 1979, counsel for the C&SW Companies agreed to produce informally the requested documents, and the Board denied the City's request for issuance of the third party subpoenas. No ruling was made on the request for a protective order; the City considers that the Board denied the request for protective order at this time. 1/

1/ A similar situation occurred in this proceeding regarding a motion for protective order of Gulf States Utilities. Certain aspects of the order - payment for costs of locating documents, and the scope of the privilege on settlements negotiations, for example - were thoroughly argued at the conference, and ruled on by the Board. No explicit ruling was made on the confidentiality aspect of the requested protective order. In a later telephone conference on June 19, 1979, Chairman Miller indicated that that portion of the motion was denied. See the Order issued by this Board on June 25, 1979, at p. 2.

1292 095

Between March 20, 1979 and October 16, 1979 the C&SW Companies did not renew their request for a protective order before this Board. Counsel for the City and for the CSW companies discussed a possible protective order in May and June, and again at the end of August and in September.

In the interim, the City received some, but not all, of the CP&L documents it requested, and has provisionally separated and marked as confidential the documents that were indicated by CP&L personnel in Corpus Christi to be confidential at the time of the document inspection in February and March, 1979. However, some documents that might be confidential under the terms of the C&SW Companies proposed order were not indicated in February and March to be confidential. Likewise, Southwestern Electric Power Company ("SWEPCO") documents relating to industrial sales and fuel contracts have been temporarily separated, as requested by SWEPCO personnel at the time of the document inspection in Shreveport, Louisiana in May, 1979. Documents from Central and South West Corporation and Central and South West Services, Inc. were inspected and copies requested in June, 1979, but copies have not been delivered to counsel for the City; in a letter of August 14, 1979, counsel for C&SW Companies stated this was because no protective order had been entered.

Prior to the scheduled deposition of some CP&L officers, at the beginning of October, 1979, counsel for CP&L declined to produce documents updating earlier CP&L production until a protective order was entered; in order to obtain even belated access to these documents at the time of the depositions,

counsel for the City agreed temporarily to a more restrictive protective order pending resolution of the matter.

TERMS OF THE PROTECTIVE ORDER

The C&SW Companies have proposed a protective order that is broader than necessary to protect their legitimate interest in maintaining confidentiality; this proposed order would place a heavy burden on the City's resources, particularly by requiring City to rely solely on independent consultants to analyze confidential documents.

The City proposes a modified protective order (similar to one rejected by counsel for the C&SW Companies) that itself is more accommodating of C&SW Companies interests than the relevant precedent requires. See Kansas Gas and Electric Company (Wolf Creek Nuclear Generating Station, Unit No. 1), ALAB 327, 3 N.R.C. 408, 415-18 (1976); 10 C.R.F. §2.790(b).

The basic argument put forth by C&SW in favor of its form of protective order seems to be that it is modelled on an agreement by the City and Houston Lighting & Power Company ("HL&P"). That fact is irrelevant. The Board's duty is to balance the need for a full and unimpaired discovery against whatever legitimate need for protection of confidentiality has been shown. The City contests the C&SW Companies' proposed order because it is unduly restrictive and burdensome, and because the City believes the documents and information involved, particularly as to CP&L, are central to its case and are worth the effort of bringing the matter before this Board. The fact that City reached a different earlier judgment as to documents and information provided by HL&P

should have no bearing on the Board's consideration of the two proposed orders here; indeed it is in part the difficulties imposed by the City's compliance with that earlier order which causes us to resist that form of order here.

The specific points of difference between the two protective orders are presented below. The City does not dispute the three categories proposed by C&SW Companies as confidential; but does disagree with the proposed restrictions and responsibilities that the CS&W Companies seek to attach with respect to documents in these categories.

1. Responsibility for Designating and
Marking Confidential Documents

The City's proposed order includes the following new language at the beginning of paragraph 1:

1. The Movants shall indicate at the time of production which documents and information they consider to be within the categories defined by this Order as confidential. Such documents and information reviewed by or delivered to PUB after the date of this agreement shall be stamped by the Movant or Movants with the legend

"Confidential Treatment Claimed by the Central and South West Companies Pursuant to an Order of the Nuclear Regulatory Commission's Atomic Safety and Licensing Board in NRC Docket Nos. 50-498A, 50-499A, issued October __, 1979."

Under the C&SW Companies' proposed protective order the onus would be on the City to determine which specific documents matched the categories described in the proposed order. This is unacceptable. The C&SW Companies must take the responsibility in the first instance of indicating which documents they believe are covered by the order.^{1/} The City cannot be expected to interpret

1/ We note that HL&P did in fact undertake that burden.

document categories supplied by the C&SW companies to the satisfaction of C&SW. If the C&SW companies seek the special protection of a protective order, they should undertake the effort of deciding which specific documents need to be protected

Furthermore, documents designated as confidential should be clearly marked. This provides an easy record of what has been designated as confidential. It also provides protection of the confidential nature in case a document should stray from its proper place. The C&SW Companies should be required to physically mark the documents they choose to designate as confidential; in this way both they and the City (and any other parties who inspect the document production) will have a clear record of what has been designated.

2. Access of City's House Counsel
to Confidential Documents and Information

The City's proposed order contains the following added language in paragraph 1 (a):

"Confidential documents information therein shall not be disclosed to any person other than (a) counsel for in parties to this proceeding (including PUB in-house counsel) and including necessary secretarial, paralegal and clerical personnel assisting such counsel"

This language would provide the attorney for the Public Utilities Board access to confidential information.

During the spring of 1979 the Public Utilities Board hired Mr. Michael Simmons as in-house counsel. Unless the language in the City's proposed order is incorporated Mr. Simmons will not be able to participate fully in all aspects of this case, for he will not have access to all the facts. He will not be able to take part in shaping overall legal strategy, or in Brownsville's

1292 099

dealings with CP&L, despite the fact that Mr. Simmons' appearance has been entered in Central Power & Light, et al., FERC Docket No. ER79-8, and he has played a role in current negotiations with CP&L. Moreover, unless this language is incorporated, the City will be forced to rely more extensively on outside counsel from San Antonio, Texas and Washington, D.C. and the City will incur added expense; this is so especially where local matters in the vicinity of Brownsville, for example, depositions, require a lawyer versed in all the facts, but where Mr. Simmons, were he available, could do the job and allow the City to avoid bringing down yet another attorney from San Antonio or Washington.

3. Access to Confidential Documents
by City Employees

The City's proposed protective order adds the following language to paragraph (1) (b) of the C&SW Companies' proposed order.

"(b) independent consultants and technical experts
(including PUB personnel) and their staff who are
engaged directly in this or related litigation[.]

The City does not agree that its personnel should be prevented from reviewing confidential documents or information. They provide an expertise that is an integral part of the City's preparation for this case. The City cannot afford to rely entirely on outside consultants who, under the terms of the proposed order, would have access to the information.

Although the City has retained experts to prepare testimony in this proceeding, it is relying very heavily on its own staff rather than independent consultants for analysis of information and

for general advice on positions taken in this and related proceedings. In particular, Mr. Robert E. Roundtree, PUB's General Manager, and Mr. Larry Gawlik, are fully involved in all aspects of this and related litigation. The City simply cannot afford to replace all the effort of its personnel on these cases by work done by outside consultants.

Under paragraph 2 of the City's proposed protective order Brownsville personnel would agree not to reveal confidential documents or information to anyone other than a person designated in paragraph 1, and to utilize the confidential documents and information solely for the purposes of this and related proceedings. These restrictions on the use and dissemination of confidential documents and information will adequately protect the interests of the C&SW Companies.

4. Use in Related Proceedings

City's proposed protective order adds to paragraph 2 (c) of the C&SW Companies' proposed order as follows:

- "2. Confidential documents and information contained therein shall not be made available to any person designated in 1(b) unless they shall have first read this order and shall have agreed in writing . . . (c) to utilize such confidential documents and information solely for the purposes of this and related proceedings."

It also makes the following related changes in paragraph 1:

- "1. Confidential documents and information therein shall not be discussed to any person other than . . . (b) independent consultants and technical experts (including PUB personnel) and their staff who are engaged directly in this or related litigation; (c) qualified court reporters involved in reporting matters in this or related litigation"

This proceeding is not occurring in isolation, but in the

context of a whole series of related litigation. It is in the interest of all parties to minimize the amount of time and effort spent on duplicative discovery. (Indeed, at the beginning of this proceeding the parties agreed to give each other access to documents produced in the related SEC and District Court cases; the related proceeding have now spread to the FERC as well. Moreover, it is common sense to expect the parties to carry over the facts they learn in the proceeding and to apply them to other related proceedings.

The C&SW Companies' proposed order, however, would restrict use of confidential documents to this one proceeding. This sort of "balkanization" is unnecessary to protect any legitimate interest in confidentiality. The terms of the protective order defining the treatment to be provided to confidential documents and information are equally applicable to related proceedings. Without the modifications proposed by City, it might be necessary to seek a modification of this order from this Board, or even to go through the discovery process again, before documents could be used even in a restricted way in a related proceeding.

5. Reserving Right to Request
Specific Showing

The City's proposed order adds the following language to the end of paragraph 3:

"Upon the request of any party or by the Board upon its own motion, the Movants shall make an appropriate showing of confidentiality for specific information or documents as to which they have claimed confidentiality. If the

Board finds that the Movants have failed to make such a showing, such information or documents shall not be treated as confidential under the terms of this Order."

The purpose of this language is to make clear that the City has not waived its right to require the C&SW Companies to make the customary showing as to specific documents claimed to be confidential. (Note that this is different from the obligation to indicate in the first instance which documents the C&SW Companies consider to be confidential.) The provisions of the City's proposed order establish categories of documents that are arguably confidential in nature (or at least as to which C&SW vigorously makes a claim of confidentiality). In order to ease the burden on this Board and on C&SW, we have accepted these categories for initial claim purposes, without the usual requirement of a document by document showing of confidentiality. Nevertheless, there may well be documents within these categories that are not properly treated as confidential, for one reason or another; as to these documents, the specific showing of confidentiality, according to the Wolf Creek standard, would be made upon request. The City, assuming good faith on C&SW's part, does not expect at this time that this showing will be necessary for a significant number of documents.

6. Treatment Upon Final Termination

The City's proposed protective order makes two substantive changes in the first sentence of paragraph 8 of the C&SW Companies' proposed order, as follows:

8. Upon final termination of this proceeding and all related proceedings, each person that is subject to this

order shall assemble and return to counsel for Movants ~~all confidential documents and information contained therein including all documents and information that are confidential as described in (a), (b), or (c) except that "current," "future" and "within the past five years" shall be determined for this purpose with reference to the date of termination of all related proceedings.~~ Such documents and information shall include all copies of such matter which may have been made but not including copies containing notes or other attorney's work product that may have been placed thereon by counsel for the receiving party.

First, as previously explained, the City should not be required to return confidential documents at the termination of this proceeding so long as related proceedings are still going forward. Provided that the confidential documents continue to be treated as such, there is no reason to return or destroy them. The City is currently a party to several related proceedings in which information contained in these documents is highly likely to be relevant, e.g., Central Power & Light et al., FERC Docket No. EL79-8. All of the related litigation ties in to the questions of the overall relationship of the City and CP&L and C&SW, and of the electric utilities in Texas generally. The City cannot agree that a procedure which would require destruction of confidential documents or information before the overall dispute has been satisfactorily resolved, would be rational or in anyone's best interest. If that were to be required, it would then be necessary for the City to obtain duplicative discovery in each of the ever expanding series of related cases. While it may well be that someone of the C&SW collection of attorneys has made a well timed investment in Xerox stock, we see no other interest to be served by such a procedure.

The second proposed change is that, for purposes of returning or destroying documents and information deemed to be confidential, the determination of confidentiality should be made as of the time of the end of the proceeding. That is, documents are confidential because they contain current or recent information that might be of interest to competitors; the categories of confidential documents proposed by the C&SW Companies make this clear. After a few years, however, (assuming this proceeding is litigated and appealed), much of what was once sensitive information will be totally without value to competitors. The City should not be required to dismantle its files or destroy its notes on this case in order to protect documents or information that no longer need protection. Only documents confidential at that time should be required to be returned or destroyed.

7. Retroactivity

As the City understands it, the proposed order basically would apply prospectively to all documents to be furnished for inspection by the C&SW Companies, including copies of these documents provided to the City. It will also apply to documents requested but not yet furnished from CP&L, SWEPCO, and C&SW, as well as to the updating of CP&L documents viewed by counsel for the City on October 1, 1979, and the information contained in the depositions of Messrs. Price and Durham on October 1 and 2, 1979.

The City understands the proposed order will not apply retroactively to documents already in its possession which the C&SW Companies have not heretofore requested be treated

as confidential. In particular, non-confidential documents from CP&L were received months ago and have been integrated into the City's files and incorporated into various memoranda and other documents. 1/

Some additional documents from the CP&L discovery may fall within the categories now described in the C&SW companies' proposed protective order to be confidential. However, the City relied on the representations of CP&L personnel then, and no compelling legal reason has been shown why the City should be put to the effort of a major search now when CP&L did not assert confidentiality at the time. 2/

CONCLUSION

The Public Utilities Board of the City of Brownsville, Texas believes it has shown that the C&SW Companies' proposed order would produce unreasonable restrictions and wasteful duplication, without any showing of the usual tests for confidentiality. The City believes its proposed order is very generous to C&SW in providing protection without the burden on C&SW usually required. For these reasons, and those shown

1/ On August 13, 1979 the City provided CP&L Counsel a list of documents reviewed and requested that were indicated at the time of discovery to be confidential. By agreement, the order as it is entered will apply to these indicated documents as well.

2/ CP&L did assert privilege as to certain of the documents produced at that time; other requested documents have not yet been copied, without any explanation as yet.

above, the Public Utilities Board of the City of
Brownsville, Texas, respectfully requests that this Board:

1. Deny the Motion of the C&SW companies to enter a Protective Order as they have submitted it;
2. Enter the modified Protective Order attached to this Motion;
3. Take such further action as may be deemed appropriate consistent with the above.

Respectfully submitted,

Marc Poirier

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

Spiegel & McDiarmid
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

Dated: October 24, 1979

1292 107

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

HOUSTON LIGHTING & POWER COMPANY,)
THE CITY OF SAN ANTONIO, THE CITY)
OF AUSTIN, and CENTRAL POWER AND)
LIGHT COMPANY)
(South Texas Project, Units Nos.)
1 and 2))

NRC DOCKET NOS. 50-498A
50-499A

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

NRC DOCKET NOS 50-445A
50-446A

PROTECTIVE ORDER

On January 3, 1979, the Public Utilities Board of Brownsville, Texas ("PUB") filed its Initial Interrogatories to and First Request for Production of Documents by Central Power & Light Company ("CPL"). In response, CPL filed Objections to and Motion for Protective Order alleging, inter alia, that certain matters inquired into by the PUB Interrogatories and certain documents requested by the PUB Request for Production relate to or contain information which is of a confidential or proprietary nature, the release or disclosure of which to third parties could

1292 108

seriously impair CP's respective relationships with existing or potential customers or jeopardize CPL's competitive position.

Further, this Board has directed CPL's affiliated companies to comply with reasonable discovery requests of PUB. PUB, accordingly, has requested the production of documents by Central and South West Corporation, Central and South West Services, Inc., West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively, with CPL, "the Movants"). The Movants have filed contemporaneously herewith a Motion for Protective Order concerning the public disclosure of certain documents and information which the Movants have been requested to produce or disclose by PUB. Some of the documents and information requested by PUB may relate to or contain information which is of a confidential or proprietary nature, the release or disclosure of which to third parties could seriously impair the Movants' respective relationships with existing or potential customers or jeopardize the Movants' competitive position.

WHEREFORE, IT IS ORDERED that the following categories of documents 1/ and information may be confidential and shall be subject to the restrictions

-
1. As used in this Protective Order the term "documents" shall have the same meaning as ascribed to it in PUB's Initial Interrogatories to and First Request for Production of Documents by CPL.

contained in paragraphs one through eight following:

(a) All documents and information referring or relating to or setting forth (i) current efforts or activities by any Movant to encourage any industrial concern to locate, expand or retain a plant or other facility in the service territory of any Movant, and (ii) the particular industrial concern's response to such efforts or activities;

(b) All documents and information referring or relating to or setting forth the rates or other terms and conditions which any Movant has offered to any industrial concern within the past 5 years, or under which any Movant now supplies electric service to any industrial concern;

(c) 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.

1. The Movants shall indicate at the time of production which documents and information they consider to be within the categories defined by this Order as confidential. Such documents and information reviewed by or delivered to PUB after the date of this agreement shall be stamped by the Movant or Movants with the legend

"Confidential Treatment Claimed by the
Central and South West Companies Pursuant
to an Order of the Nuclear Regulatory
Commission's Atomic Safety and Licensing
Board in NRC Docket Nos. 50-498A, 50-499A
issued October __, 1979."

1292 110

and shall not be disclosed to any person other than

(a) counsel for parties to this proceeding (including PUB in-house counsel) and including necessary secretarial, paralegal and clerical personnel assisting such counsel; (b) independent consultants and technical experts (including PUB personnel) and their staff who are engaged directly in this or related litigation; (c) qualified court reporters involved in reporting matters in this or related litigation; and (d) the Commission, the Board, the presiding officer or Commission's Staff.

2. Confidential documents and information contained therein shall not be made available to any person designated in 1(b) unless they shall have first read this order and shall have agreed, in writing (a) to be bound by the terms thereof, (b) not to reveal such confidential document or information to anyone other than another person designated in paragraph 1, and (c) to utilize such confidential documents and information solely for the purposes of this and related proceedings.

3. If the Commission or the Board orders that access to or dissemination of confidential documents and information contained therein as defined above shall be made to persons not included in paragraph 1 above, such matter shall be accessible to, or disseminated to, such persons based upon the conditions pertaining to, and the obligations arising from this order, and such persons shall be considered subject to it. Upon the request of any party or by the Board upon its own

motion, the Movants shall make an appropriate showing of confidentiality for specific information and documents as to which they have claimed confidentiality. If the Board finds that the Movants have failed to make such a showing, such information or documents shall not be treated as confidential under the terms of this order.

4. Any portion of a transcript in connection with this proceeding containing any confidential documents or information contained therein shall be bound separately and filed under seal. When any confidential documents or information contained therein are included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made with the court reporter taking the deposition to bind such confidential portions and separately label them "(MOVANT) CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER." Before a court reporter receives any such document or information, he or she shall have first read this Order and shall have agreed in writing to be bound by the terms thereof.

5. Any confidential document or information defined above is to be treated as such within the meaning of 5 U.S.C. § 552 (b) (4) and 18 U.S.C. § 1905, subject to a final ruling, after notice, by the Commission, Board, the presiding officer, or the Commission's Freedom of Information Act Officer to the contrary, or by appeal of such a ruling, interlocutory or otherwise.

6. If confidential documents or information are disclosed to any person other than in the manner authorized by this Protective Order, the person responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to the attention of counsel for MOVANTS and the presiding officer and, without prejudice to other rights and remedies of MOVANTS, make every effort to prevent further disclosure by counsel or by the person to whom the document or information was communicated.

7. Nothing in this Order shall affect the admissibility into evidence of confidential documents or information defined above, or abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by the Commission, its Freedom of Information Act Officer, the Board or the presiding officer concerning the issue of the status of confidential business information.

8. Upon final termination of this and all related proceedings, each person who is subject to this order shall assemble and return to counsel for Movants all documents and information that are confidential as described in (a), (b), or (c) except that "current", "future" and "within the past five years" shall be determined for this purpose with reference to the date of termination of all related proceedings. Such documents and information shall include

all copies of such matter which may have been made, but not including copies containing notes or other attorney's work-product that may have been placed thereon by counsel for the receiving party. All copies containing noted or other attorney's work-product shall be destroyed. This paragraph shall not apply to the Commission, the Board, the presiding officer or the Commission's Staff, which shall retain such material pursuant to statutory requirements and for other record keeping purposes, but may destroy those additional copies in its possession which it regards as surplusage. IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Dated at Bethesda, Maryland
this ____ day of ____

1292 114

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing letter in the above-captioned proceeding to be served on the following by deposit in the United States mail, first class, postage prepaid, or, as indicated by an asterisk, by hand-delivery this 24th day of October, 1979:

* Marshall E. Miller, Chairman Atomic Safety & Licensing Board Panel Nuclear Regulatory Commission Washington, D. C. 20555	Roy P. Lessy, Esquire Michael Blume, Esquire Nuclear Regulatory Commission Washington, D. C. 20555
* Sheldon J. Wolfe, Esquire Atomic Safety & Licensing Board Panel Nuclear Regulatory Commission Washington, D. C. 20555	Jerome Saltzman, Chief Antitrust & Indemnity Group Nuclear Regulatory Commission Washington, D. C. 20555
* Michael L. Glaser, Esquire 1150 17th Street, N. W. Washington, D. C. 20036	Chase R. Stephens, Chief Docketing & Service Section Office of the Secretary Nuclear Regulatory Commission Washington, D. C. 20555
Joseph Rutberg, Esquire Antitrust Counsel Nuclear Regulatory Commission Washington, D. C. 20555	Joseph J. Saunders, Esquire Chief, Public Counsel & Legislative Section Antitrust Division Department of Justice P. O. Box 14141 Washington, D. C. 20444

* Joseph Gallo, Esquire
Robert H. Loeffler, Esquire
David M. Stahl, Esq.
Isham, Lincoln & Beale
1050 17th Street, N. W.
Suite 701
Washington, D. C. 20036

John D. Whitler, Esquire
Ronald Clark, Esquire
Antitrust Division
Department of Justice
P. O. Box 14141
Washington, D. C. 20444

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

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

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

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

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

Roff Hardy, Chairman and
Chief Executive Officer
Central Power & 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

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

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

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

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

Jerry L. Harris, Esquire
Richard C. Balough, Esquire
City of Austin
P. O. Box 1038
Austin, Texas 78767

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

Don R. Butler, Esquire
Sneed, Vine, Wilkerson, Selman
& Perry
P. O. Box 1409
Austin, Texas 78767

Morgan Hunter, Esquire
McGinnis, Lochridge & Kilgore
900 Congress Avenue
Austin, Texas 78701

Kevin B. Pratt, Esquire
Linda Aker, Esquire
P. O. Box 12548
Capital Station
Austin, Texas 78767

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

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

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

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

Donald Clements, Esquire
Gulf States Utilities Co.
P. O. Box 2951
Beaumont, Texas 77074

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

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

John E. Mathews, Jr., Esquire
Mathews, Osborne, Ehrlich, McNatt,
Gobelman & Cobb
1500 American Heritage Life Bldg.
Jacksonville, Florida 32202

Robert E. Bathen
R. W. Beck & Associates
P. O. Box 6817
Orlando, Florida 82803

Somervell County Public Library
P. O. Box 417
Glen Rose, Texas 76403

Maynard Human, General Manager
Western Farmers Electric Coop.
P. O. Box 429
Anadarko, Oklahoma 73005

James E. Monahan
Executive Vice President
and General Manager
Brazos Electric Power Coop, Inc.
P. O. Box 6296
Waco, Texas 76706

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

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

Marc Poirier

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