

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

APPLICATION FOR ISSUANCE OF SUBPOENAS

The Department of Justice ("Department"), pursuant to 10 C.F.R. §2.720, hereby makes an application for the issuance of a subpoena to produce documents identified hereinafter and attached to this application.

On November 29, 1979, the Department issued the "Motion of the Department of Justice for Modification of the July 24, 1979 Order of the Atomic Safety and Licensing Board and Application for Issuance of Subpoenas" ("Motion") requesting that the Atomic Safety and Licensing Board ("Board") issue the subpoenas for which the Department applied in the Motion. The Board subsequently issued said subpoenas and, in the "Order Modifying Hearing Schedule" of December 14, 1979, denied "TUGCO's Opposition to the Motion of the Department of Justice for Modification of Discovery and Hearing Schedule; Motion to

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Quash Subpoenas; and for Other Relief" of December 10, 1979.


The subpoena for documents attached herein is to coincide with the subpoenas to testify which the Department requested in its Motion and the Board subsequently issued.

This subpoena duces tecum calls for the production of documents which are relevant to the issue of competition in the electric utility industry in the State of Texas and surrounding states, the structure of the electric utility industry in and reasonably adjacent to the State of Texas, access to nuclear power plants, other sources of generation and transmission and the interstate versus intrastate operation of utilities in and around the State of Texas.

Subpoena for Documents

Diamond Shamrock Corporation, Cleveland, Ohio

Respectfully submitted,

  
Euseb Braden Cyphert

Washington, D.C.  
January 18, 1980

Attorney  
Antitrust Division  
U.S. Department of Justice  
(202-724-6667)

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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LETTERHEAD

HOBBS LIGHTING AND POWER  
COMPANY, et al. (South Texas  
Project, Units 1 and 2)

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

DAKOTA NO. 50-498A  
50-499A  
50-445A  
50-446A

Keeper of Records  
Diamond Shamrock Corporation  
Diamond Shamrock Building  
1100 Superior Avenue  
Cleveland, Ohio 44114

YOU ARE HEREBY COMMANDED to appear  
at 995 Celebreeze Federal Building  
Office of the Antitrust Division - Great Lakes Field Office  
in the city of Cleveland, Ohio  
on the 4th day of February 1980 at 9:30 o'clock A.M.  
to testify

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

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

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Susan B. Cyphert  
Special Agent in Charge  
U.S. Department of Justice  
Antitrust Division  
Telephone (202) 724-6667

100-232000  
not a search slip, it is a receipt  
and it is not a receipt for a search  
it is a receipt for a search  
it is a receipt for a search

provided all the information  
provided all the information  
provided all the information  
provided all the information

SCHEDULE

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I.

DEFINITIONS

1. "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 notation made on such copies or otherwise) of all written, recorded or graphic matter, however produced or reproduced, whether or not now in existence, of correspondence, 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.
2. "Diamond" means the Diamond Shamrock Corporation.
3. "TU" means Texas Utilities Co. and its subsidiaries Texas Power & Light, Texas Electric Service Company, and Dallas Power and Light.
4. "Wheeling" means the transportation of electricity by a utility over its lines for another utility, including the receipt from and delivery to another system of like amounts of energy, but not necessarily the same energy.
5. "HL&P" means the Houston Lighting and Power Company.

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 on which privilege is claimed, and the paragraph of this subpoena to which such documents responds.

III.

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INSTRUCTIONS

It is requested that the documents submitted be grouped according to the individual paragraph of the subpoena section to which they are responsive and, within each such group, the documents should be arranged, as much as possible, in chronological order.

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.

In lieu of producing these documents at a deposition, the Department of Justice is willing to discuss other arrangements for production which may be agreeable to counsel for Diamond and the Department attorneys.

The time period covered by this subpoena is 1976 to the present. This subpoena specifically requests that the Keeper of Records search the files of George Knowles, Martin Hilberg and William Bricker for documents responsive to this request.

Should any questions arise concerning this subpoena, please contact Susan B. Cyphert (202-724-6472 or 724-6361) at the following address:

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

IV.

DOCUMENTS TO BE PRODUCED

1. All documents which relate or refer in any manner to communications between Diamond and TU concerning:

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- a). Purchasing power from TU.
- b). The cost of purchasing power from TU.
- c). Lignite mine site power generation.
- d). The transmission or wheeling of power over TU's lines.
- e). Co-generation.
- f). Joint generation, including generation using nuclear fuel.

2. All documents which relate or refer in any manner to communications between Diamond and HL&P concerning:

- a). The amount of power Diamond has purchased or anticipates purchasing from HL&P.
- b). The cost of power Diamond has purchased or anticipates purchasing from HL&P.
- c). Lignite mine site power generation.
- d). The transmission or wheeling of power from outside of HL&P's service territory to Diamond.
- e). Co-generation.
- f). Joint generation, including generation using nuclear fuel.

3. All other documents not provided under Items 1 or 2 which show Diamond's study or inquiry into alternative methods, ways, or sources of obtaining electric power for its facilities in Texas (including any studies regarding the costs of constructing or adding to existing transmission lines), other than purchasing from HL&P.

4. All documents which contain a comparison of electric power costs (e.g., rate studies) in any area of the United States.

5. All documents filed before Texas Public Utilities Commission relating to HL&P or TU's electric power rates.

6. All documents which relate or refer, in any way, to an assessment (engineering, economic, or otherwise) of the intrastate operations of any electric utility company in Texas.



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