

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

*/ 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,

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August 3, 1979

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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.

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