

NRC PUBLIC DOCUMENT ROOM

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



In the Matter of :
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 :
HOUSTON LIGHTING AND POWER COMPANY :
THE CITY OF SAN ANTONIO :
THE CITY OF AUSTIN AND :
CENTRAL POWER AND :
LIGHTING COMPANY :
(South Texas Project, Units Nos. :
1 and 2). :
_____ :

Docket Nos. 50-498A
50-499A

JOINT MOTION FOR WITHDRAWAL
OF SUBPCENAS AND FOR
WITHDRAWAL OF MOTIONS

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of the City of Brownsville,
Texas

March 1, 1979

7903 140642

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

In the Matter of	:	
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HOUSTON LIGHTING AND POWER COMPANY	:	
THE CITY OF SAN ANTONIO	:	
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CENTRAL POWER AND	:	Docket Nos. 50-498A
LIGHTING COMPANY	:	Nos. 50-499A
(South Texas Project, Units Nos.	:	
1 and 2).	:	

JOINT MOTION FOR WITHDRAWAL
OF SUBPOENAS AND FOR
WITHDRAWAL OF MOTIONS

Central Power and Light Company (CPL) hereby moves (1) to withdraw its application dated January 18, 1979 to the Atomic Safety and Licensing Board for the issuance to Air Products and Chemicals, Inc., E. I. DuPont de Nemours & Co., Monsanto Company, PPG Industries, Inc. and Union Carbide Corporation (each referred to as a "Company" and collectively as the "Companies") of related subpoenas for the production of documents and for depositions and (2) to withdraw the subpoenas issued pursuant to such application.

The Public Utilities Board of the City of Brownsville, Texas (Brownsville) hereby moves (1) to withdraw its application dated February 22, 1979 to the Atomic Safety and Licensing Board for the issuance of a subpoena for the deposition of Mr. Robert L. Wright of Union Carbide Corporation, (2) to withdraw the subpoena

issued pursuant to such application and (3) to withdraw its motion dated February 23, 1979 in opposition to the motion of the Companies to quash the subpoenas issued on the application of CPL.

The Companies hereby jointly move to withdraw the joint motion dated February 16, 1979 to quash the related subpoenas for the production of documents and for depositions issued by the Atomic Safety and Licensing Board on January 31, 1979 on the application of CPL. ^{1/}

In consideration of the foregoing, the joint movants herein have agreed as follows:

(1) The Companies will make available Messrs. Edward V. Sherry, A.D. Cyphers, Lee C. Peeler, Robert H. Steder and Robert L. Wright for deposition at the times and places designated in Exhibit A attached hereto;

(2) The depositions shall be limited to inquiries concerning the areas covered by the documents listed below, which documents shall be produced by the Companies prior to the taking of the depositions:

A. All documents which relate to the testimony given by the deponent before the Public Utility Commission of Texas in Docket No. 1776 (Generic Rate Hearings).

B. Documents sufficient to show the typical consideration accorded electric utility rates, costs, reliability of service or availability of service in a plant or facility siting or locational decision of the Company.

^{1/} The Companies will not withdraw the motion to quash unless the subpoenas of CPL and Brownsville are concurrently withdrawn.

C. Examples of documents which show, describe or relate to comparisons, contrasts or studies the objective of which, in whole or in part, was to assess or evaluate different electric utility companies in terms of rates, costs, reliability of service or availability of service.

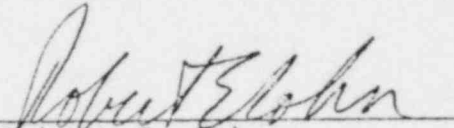
D. Best efforts to obtain documents since January 1, 1976 which show, describe or relate to attempts on the part of any electric utility operating, in whole or in part, in Texas to provide new or expanded electric service to prospective or current plants or facilities of the Company.

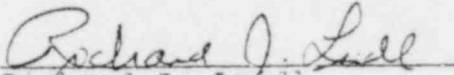
(3) Compliance by the Companies with this agreement is subject to the prior issuance of an order by the Nuclear Regulatory Commission or the Atomic Safety and License Board granting a motion of the Companies filed on March 1, 1979 for a protective order, in substantially the form attached as Exhibit A to that motion, regarding the aforementioned depositions and production of documents.

Since the grant of this motion and the issuance of a protective order are preconditions to the disclosure of documents and the taking of depositions, the movants urge expeditious consideration of this motion.

WHEREFORE, the movants respectfully request (1) the withdrawal of the applications of CPL for subpoenas and the subpoenas themselves, ^{2/} (2) the withdrawal of the application of Brownsville for a subpoena and the subpoena itself, ^{3/} (3) the withdrawal of the motion of Brownsville in opposition to the motion of the Companies to quash, and (4) the withdrawal of the joint motion of the Companies to quash subpoenas.

Respectfully submitted,


Robert E. Cohn


Richard J. Leidl

BUTLER, BINION, RICE, COOK
& KNAPP

Attorneys for
Air Products and Chemicals, Inc.
E. I. DuPont de Nemours & Co.
Monsanto Company
PPG Industries, Inc.
Union Carbide Corporation

2/ CPL reserves the right to reapply for the issuance of subpoenas if the Companies' responses are not satisfactory.

3/ Brownsville reserves the right to reapply for the issuance of the subpoena if the response of the Company is not satisfactory.

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Dated: March 1, 1979

List of time and place of taking of depositions

Central Power and Light Company

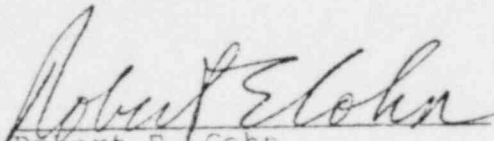
Edward V. Sherry	March 22, 1979 at 9:30 a.m. Holiday Inn Route 22 at Junction of Route 309 Allentown, Pennsylvania
A.D. Cyphers	March 15, 1979 at 9:30 a.m. Holiday Inn 2705 East Houston Victoria, Texas
Lee C. Peeler	March 14, 1979 at 9:30 a.m. Holiday Inn Junction of Highway 6 and 35 Alvin, Texas
Robert H. Steder	March 23, 1979 at 9:30 a.m. William Penn Hotel P.O. Box 1978 Mellon Square Pittsburgh, Pennsylvania
Robert L. Wright	March 16, 1979 at 9:30 a.m. Best Western Shellfish Inn Highway 35 North Box 227 Port Lavaca, Texas

Public Utilities Board of the City of Brownsville, Texas

Robert L. Wright	March 16, 1979 at 9:30 a.m. Best Western Shellfish Inn Highway 35 North Box 227 Port Lavaca, Texas
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Joint Motion for Withdrawal of Subpoenas and for Withdrawal of Motions on all parties set forth in the attached list by first-class mail, postage prepaid.


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March 1, 1979

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