

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

APPLICATION FOR ISSUANCE OF SUBPOENA

Texas Utilities Generating Company, pursuant to 10 C.F.R. §§2.740 and 2.741, applies for the issuance of the attached subpoena, which calls for a deposition requiring the attendance of the person listed, and for production of documents. This person will be deposed as an adverse witness, 1/ and the document production sought encompasses, but is not limited to, documents prepared by or for the person listed in connection with this case. The testimony of this person will include,

1/ Federal Rule of Civil Procedure 30(a) allows the deposition of any person to be taken, and Federal Rule of Evidence 611(c) allows an adverse party or witness to be interrogated by leading questions. The retention of TRANSCOMM, Inc., Mr. Frame's employer, by the Nuclear Regulatory Commission Staff, establishes the requisite "clear alignment of interest, with the other party" or "antagonism directed to the calling party" necessary to establish his identity as a hostile witness. Rossano v. Blue Plate Foods, Inc., 314 F.2d 174, 178 (5th Cir.) cert. denied, 375 US 866 (1963).

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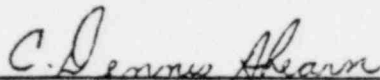
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but not be limited to, his analysis and conclusions regarding the antitrust economic analysis of electric utility practices in and adjacent to the state of Texas in past, present, and future times; and his analysis and conclusions regarding all other factors having a bearing on this case.

SUBPOENA

Rodney Frame, TRANSCOMM, Inc.

Respectfully submitted,



C. Dennis Ahearn

Attorney for Texas Utilities
Generating Company

DEBEVOISE & LIBERMAN
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

February 21, 1980

Subpoena for Deposition

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	\$	
	\$	
TEXAS UTILITIES GENERATING	\$	Docket Nos. 50-445A
COMPANY, <u>et al.</u>	\$	50-446A
	\$	
(Comanche Peak Steam Electric	\$	
Station, Units 1 and 2)	\$	

SUBPOENA

TO: Rodney Frame
TRANSCOMM, Inc.
Arlington Blvd.
Falls Church, Virginia 22042

YOU ARE HEREBY COMMANDED to appear at Debevoise & Liberman,
1200 Seventeenth Street, NW in the city of Washington, D.C. on
the 26th and 27th days of March, 1980 at 9:30 o'clock A.M.
(and thereafter from day to day, if necessary) to testify on
behalf of Texas Utilities Generating Company at the taking of
a deposition in the above-entitled action pending before the
Atomic Safety and Licensing Board of the Nuclear Regulatory
Commission and bring with you the document(s) or object(s)
described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY
AND LICENSING BOARD

By _____

....., 19....

C. Dennis Ahearn
Attorney for Texas Utilities
Generating Company
DEBEVOISE & LIBERMAN
1200 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 857-9800

10 C.F.R. 2.720(f)

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

SCHEDULE TO SUBPOENA FOR DEPOSITION

1. All documents prepared by Mr. Frame in connection with the subject matter of this case including, but not limited to, each version, draft, or stage of all analyses, conclusions, working papers, notes, requests for information, memoranda, letters and other materials whether or not transmitted to the NRC Staff or anyone else connected with TRANSCOMM, Inc.
2. All documents received by Mr. Frame in connection with this case prepared by any employee, consultant, agent, or other person in any way associated with TRANSCOMM, Inc. or the NRC Staff.
3. This request requires that Mr. Frame examine not only his personal files but any and all other files in which documents responsive to this request may be located if he does not have personal possession of a copy of all relevant documents. If a document responsive to this request is no longer in Mr. Frame's possession and a copy of that document cannot be secured from other sources, it is requested that the following information be provided: the title, date, subject matter, transmitting and receiving parties, a brief synopsis of the material contained therein, and the reasons why the document cannot be produced.
4. The documents requested do not include any pleadings, materials published in journals or in such other manner as to make them generally available to the public, or materials already produced to Texas Utilities Generating Company, except where such documents contain any commentary or notation of any kind that does not appear on the original or on any other copy that has been produced to Texas Utilities Generating Company.

Instructions

The period of time for which documents are requested includes the entire period from the time TRANSCOMM, Inc. was first approached by the NRC Staff concerning this case to the date on which documents were made available for inspection and copying by Texas Utilities Generating Company or its representatives.

Texas Utilities Generating Company requests that the Deponent identify the specific request or requests to which each document is responsive. Where possible, the Deponent is requested to maintain the integrity of the filing and record-keeping systems by producing together documents responsive to this Subpoena, which are found together in either his personal files or other files in which they are found.

If you claim that any document requested hereunder is privileged, with respect to each such document, please provide the following:

- (a) Date;
- (b) type of document;
- (c) identity of author and addressees;
- (d) present location and custodian;
- (e) any other description necessary to enable the custodian to locate the particular document;
- (f) the basis for the claimed privilege; and
- (g) a detailed description of the nature of any judicial protection alleged to be necessary to protect the privilege or confidential nature of any such document.

"Documents" means, without limiting the generality of its meaning, all or 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.

RETURN ON SERVICE

Received this subpoena at on
..... and on at
..... served it on the within named
..... by delivering a copy to h.... and
tendering to h..... the fee for one day's attendance and the
mileage allowed by law.

dated 19.... By

Service Fees

Travel\$

Services\$

.....

Total\$

Subscribed and sworn to before me, a
this day of, 19....

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Application For Issuance Of Subpoena" in the above-captioned matters, were served upon the following persons by deposit in the United States mail, first class postage prepaid this 21st day of February, 1979.

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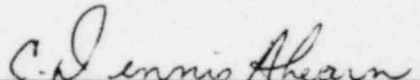
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