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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))	

MOTION FOR PROTECTIVE ORDER

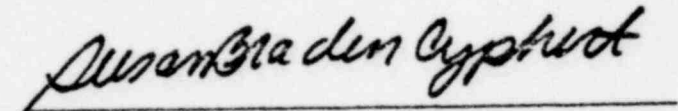
The Department of Justice ("Department"), pursuant to 10 C.F.R. §§2.740(c) and 2.790(b)(6), respectfully moves this Board for the issuance of a Protective Order, attached hereto, concerning the disclosure of certain documents in the possession of the Diamond Shamrock Corporation ("Diamond"). These documents, listed in the proposed Protective Order, are responsive to a subpoena duces tecum issued by this Board to Diamond on January 18, 1980. Counsel for Diamond has refused to produce these documents without a protective order 1/ since they believe the documents contain confidential and proprietary information and because of Diamond's contractual obligations with the authors, The Pace Company Consultants and Engineers, Inc.

1/ February 6, 1980 letter from Michael H. Farrar, Senior Counsel, Diamond to Susan B. Cyphert, Esq., Department.

Counsel for Diamond has authorized the Department to represent to this Board that they have negotiated the attached Protective Order with the Department and have no objection to its entry:

WHEREFORE, the Department respectfully requests that this Board enter the Protective Order attached hereto.

Respectfully submitted,



Susan Braden Cyphert

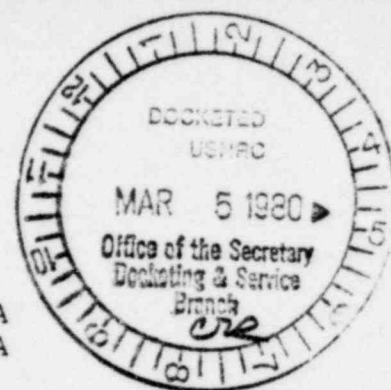
Washington, D. C.
February 29, 1980

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Antitrust Division, Energy Section
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NUCLEAR REGULATORY COMMISSION

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



CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Motion for Protective Order has been made on the following parties listed hereto this 29th day of February, 1980, by depositing copies thereof in the United States mail, first class, postage prepaid.

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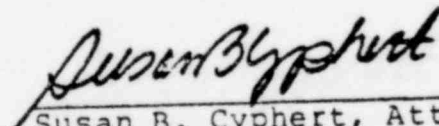
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Energy Section
Antitrust Division
Department of Justice

TEAA

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NUCLEAR REGULATORY COMMISSION



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Marshall E. Miller, Esquire, Chairman
Sheldon J. Wolfe, Esquire, Member
Michael L. Glaser, Esquire, Member

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PROTECTIVE ORDER
(March , 1980)

Pursuant to the stipulation between Diamond Shamrock Corporation (hereinafter "Diamond") and the United States Department of Justice (hereinafter the "Department") by their respective attorneys,

IT IS HEREBY ORDERED that the following documents and information and any portions, extracts, summaries thereof (hereinafter "Material") produced (1) by Diamond Shamrock Corporation or (2) by the Department, if such Material originated from Diamond Shamrock Corporation, shall be accorded confidential treatment as provided by this order:

1. Gulf Coast Power Forecasts 1979-1990, a publication of The Pace Company Consultants and Engineers, Inc.;
2. Material entitled "Houston Lighting and Power Rate Projection Based on Pace Forecast for Gulf Coast".

(a) If a discovery request or subpoena covering the Material is served upon Diamond by a party to this proceeding, Diamond shall before producing the Material requested, mark the Material "confidential" conspicuously on the first page of such Material; If a discovery request or subpoena is served upon the Department by a party to this proceeding requesting Material originating with Diamond, the Department shall notify Diamond tht Material is being requested or subpoenaed, and shall before producing the Material requested, mark the Material "confidential" in the same manner.

(b) Material shall be disclosed only to counsel for the Department and their supervisory and clerical personnel and personnel and persons whose assistance is required by counsel for the Department in conducting this proceeding; counsel for other parties engaged in this proceeding and their clerical personnel and persons whose assistance is required by counsel for such other parties in conducting this proceeding; and to other persons whose assistance is required by counsel for the Department or other parties to this proceeding in conducting this proceeding.

(c) Individuals having knowledge of Material by virtue of their participation in the conduct of this proceeding shall use the information obtained from the Material for the purpose of this proceeding only. Moreover, except as provided in this order, such individuals shall not disclose the Material or

portions thereof to any person or persons not involved in the conduct of this proceeding, provided, however, that nothing in this order shall prevent the Department from disclosing documents produced under the terms of this order that indicate any violation of law or statute to the agency of the Federal Government authorized to prosecute such violation; but further provided, that Diamond be given ten (10) days written notice prior to the disclosure of such documents outside of the Antitrust Division of the Department or the Office of the Attorney General. Nothing in this order shall abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to the matters contained herein; provided, however, that before seeking judicial relief, Diamond will consult with the Department in an effort to reach an agreement concerning the appropriate protection of such Material.

(d) All individuals, except counsel and their clerical employees, prior to gaining access to any material, shall sign prior to their examination or use thereof and file with the Board within a reasonable time thereafter an affidavit that:

- (1) The Affiant has knowledge of the order and has received a copy thereof;

- (2) The Affiant understands that the Material is to be afforded the confidential treatment provided by this order;
- (3) The Affiant understands that any use of information obtained by him from the Material in any manner contrary to the provisions of this order will subject him to the sanctions of this Board for contempt.

In the event that a notary public is not readily available, a signed and witnessed statement of such individual containing the provisions set out above may be used in lieu of a sworn affidavit, provided said statement is obtained in advance of the disclosure of Material.

(e) Should counsel for any party desire to use such Material during the course of this proceeding he shall, prior to such use, make reference to the confidentiality thereof, and any portion of the transcript containing references to such Material shall be kept sealed by this Board.

(f) Counsel for parties to this action and other personnel having access to the Material are directed not to use or make copies of the Material or any portion of the transcript which

may be sealed pursuant to this order for any purpose other than the conduct of this proceeding.

By Order of the Atomic Safety
and Licensing Board

By _____
Marshall E. Miller
Chairman

March , 1980