

~~RESTRICTED ROOM~~
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

TERA

In the Matter of:

HOUSTON LIGHTING AND POWER CO.,
et al.

) Docket Nos. 50-498A
) 50-499A
)

(South Texas Project, Units
1 and 2)

) TEXAS UTILITIES GENERATING
) COMPANY, et al.
)

) Docket Nos. 50-445A
) 50-446A
)

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

FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS FROM
TEXAS UTILITIES GENERATING COMPANY
TO TEX-LA ELECTRIC COOPERATIVE, INC.
SEVENTEEN MEMBER COOPERATIVES,
AND ANY SUCCESSOR ENTITIES



Pursuant to Sections 2.740, 2.740b and 2.741 of the Nuclear Regulatory Commission's Rules of Practice, Texas Utilities Generating Company ("TUGCO") propounds the following Interrogatories and Requests for Production of Documents to Tex-La Electric Cooperative, Inc., the 17 Member Cooperatives listed in Appendix A to Tex-La's Petition for Leave to Intervene in Comanche Peak dated September 20, 1978, and any successor entity or entities, including those referred to by Tex-La in its response to TUGCO's motion to dismiss CSW, et al., and for other relief. Each interrogatory should be answered separately and fully in writing under oath or affirmation by the person or persons making it no later than 14 days, and each document requested should be produced no later than 30 days, after service of these Interrogatories and Requests for Production.

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Definitions

As used herein the terms listed below, unless otherwise specifically indicated, are intended to have the following meanings:

1. "Documents" refers to all writings and records of every type in the possession, control or custody of Tex-La or one or more of its 17 members, including but not limited to memoranda, correspondence, reports, (including drafts, preliminary, intermediate and final reports); surveys, studies (including, but not limited to, engineering, economic, and market studies), comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, vouchers, accounting statements, engineering diagrams (including those known as "one line diagrams"), mechanical and electrical recordings, telephone and telegraphic communications, speeches, computer programs and printouts, and all other records, written, electrical, mechanical or otherwise.

"Documents" shall also refer to copies of documents, even though the originals thereof are not in the possession, custody or control of Tex-La or one or more of members or successors, every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any document.

2. "Identify" with respect to a natural person includes stating his or her full name, his or her most recent known home address and telephone number, his or her most recent known business address and telephone number, his or her present employer and

position with that employer, and his or her prior connection or association with any party to this proceeding.

3. "Witness" refers to any person who may give testimony, whether direct or rebuttal.

General Instructions

The following General Instructions apply to each of the discovery requests contained herein.

1. Documents produced shall be grouped and marked by interrogatory.

2. If you claim privilege as to any document or as to any answer requested by these interrogatories, identify, in the case of documents, the date of the document, the sender(s), the recipient(s), those receiving copies, and the subject matter of the document, and as to both documents and answers, specify the privilege claimed and the basis on which you assert that claim.

3. In the event any document requested in these interrogatories is unavailable, describe in detail the circumstances surrounding such unavailability.

4. These interrogatories are continuing and require supplemental answers if you obtain further information with respect to the same between the time your answers are served and the time of the evidentiary hearing.

5. the interrogatory or document request as the first part of each answer. As to any interrogatory or document request, or section or subsection thereof, that you refuse, or are unable, to answer in full, provide the most complete partial

response possible and include a statement noting and explaining the partial response.

6. Documents in the possession of any other party to this proceeding or publicly available are not to be regarded as being in TUGCO's possession.

7. The interrogatories and requests for production of documents set forth below are directed to Tex-La, each of the 17 cooperatives listed in Appendix A to its petition to intervene and to any successor entity or entities. Duplicate responses to interrogatories are not required where answers would be identical; simply indicate the entities so answering. Separate answers are, however, required when the response is identical. Documents should be produced for each responding entity; exact duplicates may be listed (other means of avoiding duplication of actual production may of course be adopted by agreement).

Interrogatories

1. (a) Identify each witness, other than an expert witness, whom Tex-La expects to or may call in these proceedings and provide a summary of all matters (including the substance of all facts) as to which each such witness is expected to or may testify;

(b) Identify all documents upon which each such witness is expected to or may rely in any way, and provide copies of any such document not already in the possession of TUGCO;

2. (a) Identify each expert witness whom Tex-La expects to or may call in these proceedings;

266 240

(b) State (or produce) the educational and professional qualifications, experience, and credentials of each such expert witness;

(c) State the subject matter on which the expert is expected to or may testify;

(d) Provide a summary of the testimony which each such witness is expected to or may offer, including the substance of all facts and all opinions to which the expert is expected to or may testify;

(e) State the grounds for each opinion each such expert witness expects to or may present in his/her testimony;

(f) Identify all documents prepared by, for, or under the supervision of each such expert witness, or reviewed or relied upon in any way by such expert in the performance of his/her duties, formulation of his/her conclusions or opinions, or preparation of his/her testimony, including particularly work papers, status reports, preliminary outlines and memoranda, and communications between such expert and Tex-La or any of its members, any party to the proceeding, or any person with knowledge in any way relied upon by such expert, and provide copies of any such document not already in the possession of TUGCO;

(g) Identify any person affiliated with a party to these proceedings, and (separately) each other person, from whom information was obtained which is in any way relied upon or taken into account by such expert, with whom such expert has communicated;

(h) Provide a copy of any contracts, letter agreements, or other understandings between the prospective witness or his employer and Tex-La or any of its members or successors of either which relate in any way to these proceedings;

266 241

(i) Identify all documents not produced in response to the foregoing which have been sent or given to the prospective

witness or his or her employer or to which his/her/their attention has been directed which relate in any way to these proceedings, and provide copies of any such document not already in the possession of TUGCO.

3. With respect to each expert witness listed in your response to Item 2.(a),

(a) list each judicial or administrative proceeding since January 1, 1970 in which each individual has been proffered as an expert witness;

(b) as to each such proceeding, indicate whether he or she was accepted as an expert witness;

(c) Provide a copy of the testimony of each such witness as an expert witness in any judicial or administrative proceeding since January 1, 1970;

(d) List the publications of each such witness.

4. (a) Identify every document or thing which Tex-La expects to offer in evidence in these proceedings, other than the testimony of witnesses summarized in response to the preceding interrogatories;

(b) Produce or make available the documents or things identified in 4.(a) to the extent not already in the possession of TUGCO.

5. (a) Identify each person affiliated with Tex-La who has, since January 1, 1972, communicated with either the NRC Staff (or predecessor AEC Staff) or the Antitrust Division of the Department of Justice (state which) with regard to any matter pertaining to

the antitrust review or antitrust aspects of the Comanche Peak proceeding.

(b) Specify (by date) and describe each occasion on which such communication took place and the nature and form of such communication;

(c) Identify the other person or persons involved in the communication;

(d) State the substance of each communication to the extent such is not documented in correspondence, memoranda, summaries, notes, minutes or the like, which you are hereby requested to identify and produce;

(e) Identify any other document which relates to any such communication or series of communications, as well as any document provided to or obtained from the NRC Staff or the Anti-trust Division (state which) and produce each such document not already in the possession of TUGCO.

6. (a) Has Tex-La or any of its member cooperatives or successors of either intervened as a party (or parties) in any proceeding (or with regard to any request to institute a proceeding) before FERC under amendments to Part 2 of the Federal Power Act made by the Public Utilities Regulatory Policy Act of 1978 (PURPA), or otherwise, relating to any request for relief from any order of any agency of the State of Texas, for interconnection or wheeling, or any or all of the foregoing?

(b) Does Tex-La or any of its member cooperatives or successors of either expect to institute such a proceeding before FERC at any time in the next ten years?

(c) if the answer to (a) or (b) is affirmative, would such request, if granted, involve or potentially involve use, by or for Tex-La or any member or successor, of the transmission system of (i) any of the operating subsidiaries of Texas Utilities Company (i.e., DP&L, TP&L, or TESCO) or (ii) of any system which is a member of TIS?

(d) If so, identify each system which would be involved, and describe the transactions for which use or access would be required, including the nature of the service, the approximate duration, and the transmission and/or interconnection configuration and capacity contemplated. Produce any maps, diagrams or other documents relating to this subparagraph.

(e) If the answer to 6.(a) or (b) and (c) are in the affirmative, state briefly whether Tex-La believes that there is any relief to which it might be entitled in the Comanche Peak operating license antitrust proceeding which is not also available under PURPA and the Federal Power Act, as amended.

(f) If your answer to 6.(e) is in the affirmative, state briefly why.

7. (a) State whether Tex-La believes that it is now or may be in the future (and if so when in the future) in competition with DP&L, TP&L or TESCO (state which).

(b) If the response to subpart (a) is in any respect in the affirmative, state briefly the product and geographic market or markets involved, and generally the nature and extent of competition claimed.

(c) Identify and produce all documents relating to this interrogatory.

8. Reference is made to Tex-La's petition to intervene. Reference is also made to the existing conditions in the Comanche Peak construction permits.

(a) In what respects specifically does Tex-La contend such conditions should be modified in order to afford relief to which Tex-La asserts it is entitled?

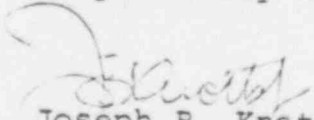
(b) Identify and produce all documents relating to (a).

9. (a) Please describe generally how Tex-La anticipates that its members will be constituted or configured over the next thirty-forty years (the approximate duration of the Comanche Peak license) and state how, if at all, such is different from the situation prevailing at the time your petition to intervene herein was filed. (Reference is made, inter alia, to Tex-La's answer to TUGCO's motion to dismiss CSW, et al and for other relief, wherein mention is made of formation of three G&T cooperatives).

(b) Explain generally how such configuration and expected future pattern of operations bears on the relief sought and Tex-La's theory of this case, including how such have changed, if at all, since the petition to intervene was filed.

(c) Identify and produce all maps, diagrams, or other documents relating to this interrogatory.

Respectfully submitted,


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Date: June 18, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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(South Texas Project, Units)	
1 and 2,)	
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TEXAS UTILITIES GENERATING)	Docket Nos. 50-445A
COMPANY, <u>et al.</u>)	50-446A
)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "First Set of Interrogatories and Requests for Production of Documents From Texas Utilities Generating Company to Tex-La Electric Cooperative, Inc., Seventeen Member Cooperatives, and any Successor Entities" in the above captioned matters, were served upon the following persons by deposit in the United States mail, first class postage prepaid this 18th day of June, 1979.

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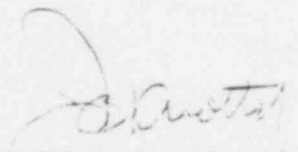
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