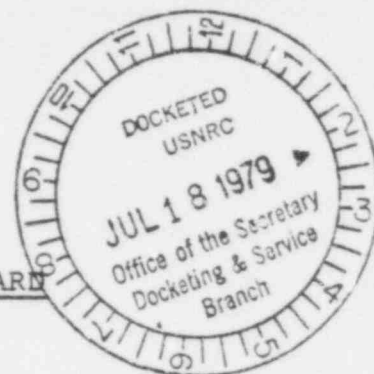


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)

• HOUSTON LIGHTING AND POWER)
CO, et al. (South Texas)
Project, Units 1 and 2))

Docket Nos. 50-498A
50-499A

TEXAS UTILITIES GENERATING)
COMPANY (Comanche Peak Steam)
Electric Station, Units 1)
and 2))

Docket Nos. 50-445A
50-446A

FIRST SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE TO
THE FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS FROM TEXAS UTILITIES GENERATING COMPANY TO
ANTITRUST DIVISION, U.S. DEPT. OF JUSTICE

Pursuant to 10 C.F.R. § 2.740(e), the Department of Justice ("Department"), based upon its present belief and the information presently in its possession, hereby supplies this response to supplement its initial response of April 3, 1979, to Interrogatory 2 of the "First Set of Interrogatories and Requests for Production of Documents from Texas Utilities Generating Company to Antitrust Division, U.S. Department of Justice," dated February 9, 1979. 1/ The Department expressly reserves its right, in accordance with 10 C.F.R.

1/ At the June 21, 1978 prehearing conference in the above-captioned matter, the Atomic Safety and Licensing Board ("Board") directed that discovery requests be considered continuing in nature and that answers to interrogatories and/or document production be supplemented when and if additional pertinent information and/or documents came to light after initial responses to a request were completed.

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§ 2.740(e), to add to alter, amend or modify the information provided herein, at the appropriate time.

Interrogatory 2 states:

2. (a) Identify each expert witness whom the Division expects to or may call in these proceedings;

(b) State (or produce) the educational and professional qualifications 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 the Division, any party to the proceedings, 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 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 the Division which relate in any way to these proceedings;

(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.

The Department, based upon its present belief and the information presently in its possession supplies the following supplemental information regarding William E. Scott:

2 (a) No addition to previous response.

(b) No addition to previous response.

(c) No addition to previous response.

(d) No addition to previous response.

(e) The basis for the conclusions or opinions about which William E. Scott is expected to testify is founded in three areas. First, William E. Scott's academic qualifications and credentials as an expert have already been provided to Texas Utilities Generating Company ("TUGCO") in the Department's April 3, 1979 response to interrogatory 2(b) of "First Set of Interrogatories and Requests for Production of Documents from Texas Utilities Generating Company to Antitrust Division, U S. Dept. of Justice. The second basis for Mr. Scott's expected testimony is found in his professional expertise. Mr. Scott has enjoyed a distinguished and full career as an electrical engineer. His academic background has been amplified by extensive practical experience. Mr. Scott has been actively and continually employed as an electrical engineer since 1960. Specifically, Mr. Scott's tenure at the Federal Power Commission's regional office in Fort Worth, Texas from June, 1970 to December, 1978 and his work relating to the reports on interconnection and coordination of municipal systems, a report on multi-area power pooling, two reports on interregional interconnection and coordination of Texas electric systems, and the two part report on the phasing out of natural gas and oil in the Southwest Power Pool and the Electric Reliability Council of Texas are at the heart of the substance of the facts and opinions about which Mr. Scott is expected to testify. The third basis for Mr. Scott's

expected testimony is the facts developed in this case on which Mr. Scott will rely. In addition, Mr. Scott has initiated a careful analysis of the facts of this case which is continuing as discovery progresses. He has also reviewed some of the pleadings in West Texas Utilities Co., et al. v. Texas Electric Service Co., et al., No. CA 3-76-0633-F (N.D. Texas Div.) as well as this case. Mr. Scott's examination and analysis of the totality of discovery available in this case, however, has only begun. As the deposition program progresses and as continual discovery requests, e.g. interrogatory answers and document production, are forthcoming, the basis for the conclusions and opinions about which Mr. Scott is expected to testify will expand. Thus, the basis for the conclusions and opinions about which Mr. Scott is expected to testify, will be founded on a combination of his educational background, practical work experience, (specifically his work relating to electric utilities in Texas) and the facts being revealed in the discovery during this litigation.

To the extent that interrogatory 2(e) seeks additional information, the Department objects on the grounds that such a request is beyond the scope and purpose of Rule 26(b)(4).

(f) On July 25, 1979, TUGCO issued a subpoena duces tecum to William E. Scott requesting documents in his possession. These documents will be provided to TUGCO at Mr. Scott's deposition in Washington, D.C. scheduled for July 17, 1979. In addition, the Department has advised counsel for TUGCO that on July 11, 1979, or any time thereafter, he could pick up copies of all studies which William E. Scott participated in preparing, which are in the possession of the Department. The following is a list of those documents:

1. Report of the Commission by the FPC, "Prevention of Power Failures," Vol. 1, July, 1967
2. FPC-BP Staff Report: "Study of Proposed Interconnection between the City of Homer, La. and LPL Co.," March, 1971
3. Staff Report of "ERCOT-SWPP Electric Systems Interconnection and Reliability Evaluation FPC-BP," April, 1977
4. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Goodland, Kansas and Central Kansas Power Co., Inc.," February, 1975

5. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Franklin, La. and CLECO," February, 1972
6. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Belleville, Kansas and Kansas Division of Central Telephone & Utilities Corp.," February, 1972
7. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Belcit, Kansas and Kansas Division of Central Telephone and Utilities Corp.," January, 1971
8. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Coleman, Texas and Brazos Electric Power Corp.," April, 1974
9. "The Story of How the FPC Fort Worth Regional Office is Promoting and Encouraging the Voluntary Interconnection and Coordination of Electric System," May, 1976
10. FPC Supplement to Staff Report on July 13-14, 1977: "Electric System Disturbance on the Consolidated Edison Co. of N.Y., Inc., System," August 4, 1977
11. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Ellis, Kansas and Central Kansas Power Co.," December, 1971
12. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Hill City, Kansas and Central Kansas Power Co.," March, 1972
13. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Clarksdale, Miss. and Mississippi Power & Light Co.," July, 1971
14. FPC-BP Staff Report : "ERCOT Interconnection and Reliability Evaluation," March, 1978
15. U.S. DOE, FERC Final Staff Report: "The Con Edison Power Failure of July 13 and 14, 1977," June, 1978

16. "The Phasing Out of Natural Gas and Oil for Electric Power Generation, SWPP and ERCOT, Part I, Present Electric Utility Program 1975-1984," September, 1975
17. "The Phasing Out of Natural Gas and Oil for Electric Power Generation, SWPP and ERCOT, Part II, Technical and Economic Evaluation of Various Possible Electric Utility Natural Gas Reduction Programs 1975-1990," March, 1976
18. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Stockton, Kansas and Kansas Division of Central Telephone & Utilities Corp.," December, 1974
19. FPC-BP Staff Report: "Study of Full Interconnection and Coordination of Electric Systems located in FPC Power Supply Areas 29 and 34," November, 1975
20. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Washington, Kansas and Kansas Division of Central Telephone & Utilities Corp.," July, 1971
21. FPC-BP Staff Report: "Study of Proposed Interconnection between ERCOT and SWPP," October, 1972

To the extent that interrogatory 2(f) seeks additional information, the Department objects on the grounds that such a request is beyond the scope and purpose of Rule 26(b)(4).

(g) No addition to previous response.

(h) On June 25, 1979, TUGCO issued a subpoena duces tecum to William E. Scott requesting documents in his possession. These documents will be provided to TUGCO at his deposition in Washington, D.C. scheduled for July 17, 1979. To the extent interrogatory

2(h) seeks additional information the Department objects on the grounds that such a request is beyond the scope and purpose of Rule 26(b)(4).

(i) On June 25, 1979, TUGCO issued a subpoena duces tecum to William E. Scott requesting documents in his possession. These documents will be provided to TUGCO at his deposition in Washington, D.C. scheduled for July 17, 1979. To the extent interrogatory 2(i) seeks additional information the Department objects on the grounds that such a request is beyond the scope and purpose of Rule 26(b)(4).

Interrogatory 7 states:

7. 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) list the publications of each such witness.

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

The Department, based upon its present belief and information presently in its possession, supplies the following supplemental information regarding William E. Scott:

7. (a) No addition to previous response.

(b) No addition to previous response.

(c) The following constitutes a list of reports and/or publications written in whole or in part by Mr. Scott:

1. Report of the Commission by the FPC, "Prevention of Power Failures," Vol. 1, July, 1967
2. FPC-BP Staff Report: "Study of Proposed Interconnection between the City of Homer, La. and LPL Co.," March, 1971
3. Staff Report of "ERCOT-SWPP Electric Systems Interconnection and Reliability Evaluation FPC-BP," April, 1977
4. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Goodland, Kansas and Central Kansas Power Co., Inc.," February, 1975
5. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Franklin, La. and CLECO," February, 1972
6. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Belleville, Kansas and Kansas Division of Central Telephone & Utilities Corp.," February, 1972
7. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Beloit, Kansas and Kansas Division of Central Telephone and Utilities Corp.," January, 1971.
8. FPC-BP Staff Report: "Study of Proposed Interconnection between City of Coleman, Texas and Brazos Electric Power Corp.," April, 1974
9. "The Story of How the FPC Fort Worth Regional Office is Promoting and Encouraging the Voluntary Interconnection and Coordination of Electric System," May, 1976

10. FPC Supplement to Staff Report on July 13-14, 1977: "Electric System Disturbance on the Consolidated Edison Co. of N.Y., Inc., System," August 4, 1977
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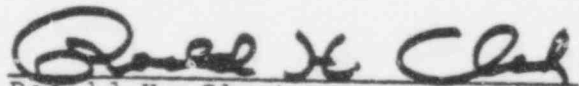
21. FPC-BP Staff Report: "Study of Proposed Interconnection between ERCOT and SWPP," October, 1972
22. FPC, "A Review of Consolidated Edison Company 1969 Power Supply Problems and Ten-year Expansion Plans," December, 1969
23. FPC, "The 1970 National Power Survey," December, 1971
24. William E. Scott and Robert H. Agasmaite, "Continuous Two-mile Submarine Cable Drastically Cuts Laying Time," Electrical World Magazine, August 12, 1963
25. William E. Scott, "Sectionalizers Cut Customer Outages 20 Percent," Electrical World Magazine, June 27, 1966

(d) No addition to previous response.

The foregoing answers to interrogatories are, to the best of the Department's present belief and knowledge based on the information presently in our possession, true and correct.

Respectfully submitted,


Susan B. Cyphert

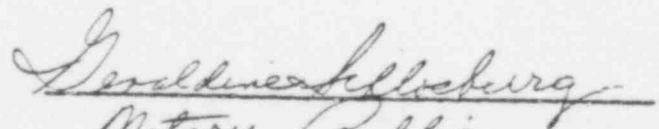

Ronald H. Clark

Attorneys
Antitrust Division, Energy Section
U.S. Department of Justice
Washington, D.C.

District of Columbia

Subscribed and sworn to before me, a notary public, this
13th day of July 1979.

July 13, 1979


Notary Public
My Commission Expires Aug. 14, 1981

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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)
CO., et al. (South Texas)
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Docket Nos. 50-498A
50-499A

TEXAS UTILITIES GENERATING)
COMPANY (Comanche Peak Steam)
Electric Station, Units 1)
and 2))

Docket Nos. 50-445A
50-446A

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing FIRST SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS FROM TEXAS UTILITIES GENERATING COMPANY TO ANTITRUST DIVISION, U.S. DEPT. OF JUSTICE has been made on the following parties listed hereto this 13th day of July, 1979, by depositing copies thereof in the United States mail, first class, postage prepaid, and, where an asterisk appears, service has been made by hand.

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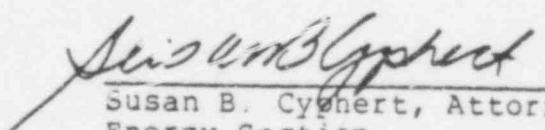
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