



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 SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF DOCUMENTS FROM HOUSTON LIGHTING & POWER 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 "Second Set of Interroga-  
tories and Requests for Production of Documents from  
Houston Lighting & Power Company to Antitrust Division,  
U.S. Dept. of Justice," dated February 9, 1979. 1/ The

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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Department expressly reserves its right, in accordance with 10 C.F.R. § 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 who the Division expects to call in this proceeding.

(b) State the qualifications and credentials of each such expert witness.

(c) Provide a summary of the testimony which each such expert witness is expected to offer.

(d) State the basis for each conclusion or opinion each such expert witness expects to present or draw in his/her testimony.

(e) 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 testimony, including particularly work papers, status reports, preliminary outlines and memoranda, and communications between such expert in the Division, any party to the proceeding, or any person with knowledge in anyway relied upon by such expert, and provide copies of any such document not already in possession of Houston.

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) 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 Houston Lighting and Power Company ("HL&P") in the Department's April 3, 1979 response to interrogatory 2(b)(1) of "Second Set of Interrogatories and Requests for Production of Documents from Houston Lighting & Power Company to Antitrust Division, U S. Dept. of Justice" and in Exhibit 3, thereto. 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. 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 in 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

expanded. 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 discovery in this litigation.

To the extent that interrogatory 2(d) seeks additional information, the Department objects on the ground that such a request is beyond the scope and purpose of Rule 26(b)(4) of the Federal Rules of Civil Procedure.

(e) On July 25, 1979, HL&P issued a subpoena duces tecum to William E. Scott requesting documents in his possession. These documents will be provided to HL&P at Mr. Scott's deposition in Washington, D.C., scheduled for July 17, 1979. In addition, on July 11, 1979, the Department provided counsel for HL&P with copies of all studies which William E. Scott prepared or participated in preparing, which are in the possession of the Department. The following is a list of those studies:

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

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

District of Columbia

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

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

Dated: July 13, 1979

  
My Comm. Expires 8-14-1981

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing FIRST SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS FROM HOUSTON LIGHTING & POWER 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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