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May 25, 1979

Marshall E. Miller, Esq.
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Sheldon J. Wolfe, Esq.
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Houston Lighting & Power Company, South Texas Project,
Units 1 and 2 (Docket Nos. 50-498A and 50-499A)

Gentlemen:

In light of the upcoming prehearing conference in this proceeding on June 1, 1979, Houston Lighting & Power Company felt that it would be beneficial to the Board to have a letter setting forth those discovery matters involving Houston and other parties to this proceeding.

Department of Justice

On April 27, 1979, Houston submitted additional responses to the Department's first set of interrogatories in response to the Department's motion of February 6, 1979 to compel fuller answers and the Board's order of March 12, 1979 in this regard. At the time Houston provided its further answers, it also provided copies of documents which it regarded as responsive to the Department's interrogatories. In addition, Houston has completed its review of the Federal Court documents and has indexed those documents by interrogatory number. A copy of this list was sent to the Department on Thursday, May 24.

On April 3, 1979, the Department filed its answers to Houston's second interrogatories and listed therein the fact and expert witnesses it intends to call at the hearing.

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Houston understands that the Department will supplement its answers to Houston's second interrogatories after the Department and its expert witnesses have had an opportunity to review Houston's further responses to interrogatories and further document production. Accordingly, Houston has no outstanding discovery matters as between Houston and the Department to bring before the Board at the June 1 conference.

NRC Staff

On May 24, 1979, Houston provided fuller answers to the NRC Staff's initial interrogatories in accordance with the Staff's motion to compel further answers dated March 23, 1979, and the Board's orders of April 16 and May 7, 1979. On this same date, Houston provided the Staff with an index of the Federal Court documents responsive to the Staff's interrogatories. Houston also provided the Staff with an updated list of privileged documents and complied with the Staff's request to modify the privileged list to include a list of all persons receiving a copy of each privileged document.

On March 26, 1979, Houston filed a motion to compel further responses to Houston's second set of interrogatories to the NRC Staff. Houston's motion relates in its entirety to documents which the Staff has not produced because of an asserted privilege. The Staff filed a response to Houston's motion on April 30, 1979. Houston would like to pursue resolution of this matter at the June 1 conference.

Central Power and Light Company

Both Houston and CP&L have pending motions to compel further answers to interrogatories. On March 28, 1979, Houston served its answers and objections to CP&L's second set of interrogatories. On April 20, 1979, CP&L filed its motion to compel further answers, and Houston responded on May 7. On May 8, 1979, Mr. Thomas Ryan, attorney for CP&L, wrote a letter to the Board advising that there was still some disagreement between Houston and CP&L with respect to CP&L's motion to compel. On May 22 counsel for Houston confirmed that Mr. Ryan's May 8 letter was sent before CP&L received Houston's response to CP&L's motion to compel. It is Houston's understanding that CP&L is satisfied with Houston's response to CP&L's motion to compel and that no further action is required by the Board on CP&L's motion to compel.

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On February 7, 1979, Houston served its first interrogatories on CP&L. On March 26, 1979, CP&L served its answers and objections to Houston's first interrogatories, and on April 3, 1979, filed a motion for a protective order. On April 19, 1979, Houston filed its response to CP&L's motion for protective order and asked the Board for an order compelling further answers from CP&L. On May 1, 1979, CP&L filed a response to Houston's motion to compel and advised the Board that Houston and CP&L had been able to resolve all outstanding issues except with respect to interrogatories related to (1) information with respect to CP&L's affiliated companies, and (2) the production of notes prepared by one of CP&L's attorneys during an interview of prospective witnesses. Attorneys for Houston and CP&L have conferred about this matter since May 1, but have been unable to reach a resolution. Accordingly, Houston would like to pursue resolution of these two items at the June 1 conference.

Houston also has pending an uncontested motion, dated May 15, 1979, to include CP&L within the Board's Protective Order of April 9, 1979.

PUB of Brownsville

On March 14, 1979, Houston served its first interrogatories on PUB. PUB filed its answers on May 2, 1979. On May 11 Houston filed a motion for extension of time within which to file a motion to compel further answers, which was granted May 16. Since that time, attorneys for Houston and PUB have reached informal agreement on all outstanding discovery issues, and Houston is awaiting PUB's further answers on or before June 14. Accordingly, Houston has no outstanding discovery matters as between Houston and PUB to bring before the Board at the June 1 conference.

Houston does want to advise the Board that it will be prepared to address the dispute between PUB and Gulf States Utilities over disclosure of documents generated during settlement discussions. Counsel for Houston has advised counsel for Gulf States that Houston considers the documents in Gulf States' possession to be covered by the Board's orders of April 16 and May 7, 1979.

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Very truly yours,

J. Gregory Copeland
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Attorney for
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JGC/66
cc: Service list

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