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July 3, 1979



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

This is the June 1979 discovery report of Houston Lighting & Power Company.

On June 15, 1979, in accordance with an agreement between counsel, Brownsville furnished supplementary answers to Houston's first set of interrogatories and request for the production of documents.

On June 19, 1979, the Board issued seventy-five subpoenas as requested by Houston and the Texas Utilities Generating Company. Those subpoenas scheduling depositions or the production of documents on or before July 20 have already been served on the appropriate parties.

In preparation for upcoming depositions, Houston has requested that the NRC Staff, the Department of Justice and Brownsville all furnish additional documents and information. On June 19, 1979, Houston requested that the Staff produce certain documents listed in Appendix C of the Staff's answers to Houston's second set of interrogatories in accordance with the Board's order of June 25, which resulted from the June 1 Prehearing Conference. Also, on June 25, Houston requested that both the Department, the Staff,

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July 3, 1979  
Page Two

and Brownsville provide any supplementary documents or information responsive to Houston's interrogatories concerning the parties' respective expert witnesses.

Finally, Houston wishes to advise the Board that on June 22, 1979, the United States District Court for the Northern District of Texas issued an order denying the plaintiffs' request for a stay of injunction pending appeal in the case West Texas Utilities Company, et al. v. Texas Electric Service Company, et al. A copy of the Court's order is enclosed.

Respectfully submitted,

*Peter G. Flynn*

Peter G. Flynn  
Attorney for Houston Lighting &  
Power Company

Enclosure

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

**FILED**

JUN 22 1979

DALLAS DIVISION

JOSEPH McELROY, JR. CLERK  
BY Paul D. Lee  
Deputy

WEST TEXAS UTILITIES COMPANY )  
& CENTRAL POWER & LIGHT CO. )

VS. )

NO. CA3-76-633-F

TEXAS ELECTRIC SERVICE CO. )  
& HOUSTON LIGHTING & POWER )  
CO. )

ORDER

The Plaintiffs West Texas Utilities Company and Central Power & Light Co. have requested suspension of that portion of the judgment dated February 27, 1979 enjoining Central Power & Light Co. from permitting power it receives from the South Texas project to enter interstate commerce as long as Central Power & Light remains a participant in the South Texas project agreement and as long as Section 8.2 of that agreement remains in force. The testimony at trial indicated that the South Texas project (a nuclear generating facility for electrical energy) would not be operational until the early to mid-1980's, and therefore will not be generating electricity until that time. The Court's injunction cannot restrain a flow of power which at the present time does not exist, and therefore the request to stay the injunction pending appeal filed by the Plaintiffs is premature.

The Court hereby denies Plaintiffs' request for a stay of injunction pending appeal.

It is so ORDERED.

James H. McElroy, Jr.  
UNITED STATES DISTRICT JUDGE

DATE June 22, 1979

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Discovery Report of Houston Lighting & Power Company, dated July 3, 1979, were served upon the following persons, by hand\*, or by deposit in the United States Mail, first class postage prepaid, this 3rd day of July, 1979.

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