

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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James A. Laurenson
Administrative Law Judge

Houston Lighting & Power Company, et al.)	Docket Nos.
(South Texas Project, Units 1 & 2))	50-498A
)	50-499A
)	
Texas Utilities Generating Company, et al.)	Docket Nos.
(Comanche Peak Stream Electric Station,)	50-445A
Units 1 & 2))	50-446A

STATEMENT OF SOUTH TEXAS ELECTRIC
COOPERATIVE, INC. AND MEDINA ELECTRIC
COOPERATIVE, INC. REGARDING EXTANT ISSUES



South Texas Electric Cooperative, Inc. and Medina Electric Cooperative, Inc. (STEC/MEC), intervenors in the proceedings at Docket Nos. 50-498A and 50-499A, hereby respond to the Notice of Conference of Council issued March 22, 1982 by the now-presiding Administrative Law Judge. In that Notice, all parties to the above-captioned consolidated proceedings were instructed to submit (1) a brief historical sketch and status report; (2) a list of remaining issues; and (3) a set of recommendations aimed at resolving those issues. STEC/MEC's response to those directives is as follows:

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I.

HISTORY/STATUS

To avoid duplicating the anticipated efforts of other parties, STEC/MEC will not herein attempt a step-by-step recitation of the complete history of these proceedings, which history now spans some five years. STEC/MEC's response will instead be limited to a discussion of the role which they have played in these proceedings thus far.

STEC/MEC became parties to the South Texas Project anti-trust proceedings in mid-1978, when the formerly constituted Atomic Safety and Licensing Board granted their joint Petition to Intervene.¹ STEC/MEC did not formally petition to intervene in the Comanche Peak proceedings at Docket Nos. 50-445A and 50-446A.

Since intervening in the South Texas Project proceedings, STEC/MEC have been active participants. Although they initiated no discovery requests on their own behalf, STEC/MEC

¹STEC/MEC's Petition was filed May 15, 1978, in response to the Notice of Hearing which appeared in the Federal Register on April 14, 1978 [43 F.R. 15811]. The Board granted STEC/MEC's Petition during the course of a special prehearing conference convened on June 21, 1978 [Tr. 32]. The Board's action in this regard was confirmed in a Special Prehearing Conference Order Issued July 13, 1978 (slip op. p.2).

willingly responded to the requests served upon them by others. STEC/MEC have been represented by counsel at virtually all conferences of council convened by the Board during the past four years. Additionally, STEC/MEC took part in a number of the discussions which eventually led to presentment to the Board, on September 12, 1980, of a document entitled "Stipulation and Proposed Licensing Conditions" for the Comanche Peak and South Texas projects, the Commission's acceptance of which will apparently permit these antitrust proceedings to be settled as among all parties hereto, save possibly the Public Utilities Board of the City of Brownsville. In comments filed September 25, 1980, STEC/MEC stated their general support for this stipulation and conditions. STEC/MEC's support was not unequivocal, however. At page 2 of their comments, STEC/MEC pointed out that, if, notwithstanding this settlement, a hearing is to be held on some or all of the issues considered to be within the scope of this proceeding, STEC/MEC may well choose to participate.

II.

ISSUE IDENTIFICATION

A review of the pleadings filed in these proceedings to date indicates that only Brownsville has taken objection to the pending stipulation. Brownsville's objections are, however, approximately one and one-half years old, these proceedings

having been essentially dormant since December, 1980. During the interim, there have been developments in related proceedings before the Federal Energy Regulatory Commission and the Securities and Exchange Commission which, STEC/MEC believe, may have caused Brownsville to reevaluate its role in the instant antitrust proceedings. STEC/MEC expect that Brownsville will be filing a statement with this tribunal in which their current position in these proceedings will be clarified.

At this juncture, STEC/MEC, in view of their limited resources and the success which has been achieved in the related proceedings before other agencies, do not intend to present a case in chief or to independently advance argument on any issue in these antitrust proceedings. However, should Brownsville or any other party to these proceedings elect to move forward on any issue, STEC/MEC may chose to lend their efforts to such an undertaking, in the hope that this Commission might act to establish a bond of antitrust protection which goes beyond that evidenced in the pending Stipulation and Proposed Licensing Conditions. STEC/MEC would be particularly inclined to take part in the litigation of issues dealing with the conditions under which one of the licensees might seek to break existing interconnections between itself and any other entity.

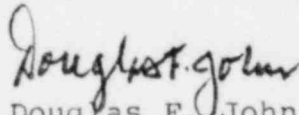
In practical effect, then, STEC/MEC are presently unable to identify the issues, if any, which are still outstanding in these proceedings.

III.

ISSUE RESOLUTION

Since, as discussed above, STEC/MEC are presently unable to identify the issues, if any, which remain, it would be premature for STEC/MEC to offer recommendations as to how potential issues should be resolved.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing comments were served upon the following persons by deposit in the United States mail, first class postage prepaid this 6th day of April, 1982.

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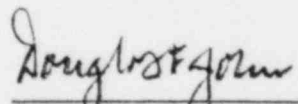
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