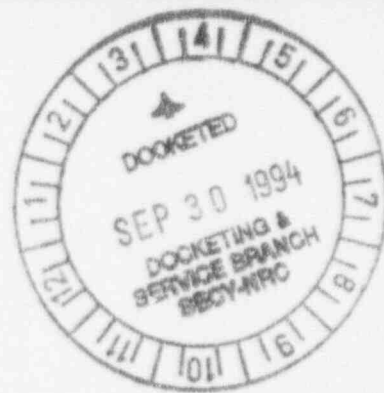


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY LICENSING BOARD



In the Matter of)
)
GULF STATES UTILITIES) Docket No. 50-458-OLA
COMPANY, et al.) ASLBP No. 93-680-OLA
)
(River Bend Station, Unit 1))

ANSWER OF
CAJUN ELECTRIC POWER COOPERATIVE, INC.
TO MOTION TO COMPEL PRODUCTION
AND PROVIDE FOR ADDITIONAL DISCOVERY

Cajun Electric Power Cooperative, Inc. ("Cajun"), pursuant to 10 C.F.R. § 2.730(c) (1994), hereby tenders its answer to Gulf States Utilities Company's ("GSU") Motion to Compel Answers to Interrogatories and Document Production Requests and for Other Relief ("Motion"). GSU's Motion seeks an order compelling Cajun's responses to certain interrogatories and document requests and the opportunity to conduct additional discovery beyond the period set for discovery by the Board.

GSU's Motion to compel is moot. Cajun has responded to every interrogatory and to GSU's request for production of documents. Accordingly, the Motion to compel should be denied.

GSU's Motion also seeks authority for only one party, GSU, to conduct additional discovery. Cajun, and Staff, if it so chooses, should have a similar opportunity to conduct additional discovery. Accordingly, Cajun would not object to GSU's request for additional discovery provided that Cajun and Staff were provided with the same opportunity. Granting one party the opportunity for additional discovery, to the exclusion of the

other parties, would not promote the development of a full record in this proceeding, which GSU states that it seeks. Cajun would object to granting GSU alone the right to an additional period for discovery.

ARGUMENT

A. GSU's Motion to Compel

GSU's Motion seeks an order of the Board to compel Cajun to respond to GSU's interrogatories and document production request. GSU's Motion pertains to its August 26, 1994 First Set of Interrogatories and Request for Production of Documents to Cajun Electric Power Cooperative, Inc. ("GSU's First Set of Discovery"). Cajun responded to GSU's First Set of Discovery on September 9, 1994. In its September 9 response, Cajun stated that it would complete its responses to certain interrogatories, but required additional time to develop the information requested.^{1/} On September 26, 1994, Cajun informed GSU it would shortly complete the remaining discovery requests. Although GSU did not state that Cajun's assurances were insufficient, three days later, on September 29, 1994, GSU filed its Motion.

On September 30, 1994, Cajun provided completed responses to GSU's interrogatories. In addition, Cajun responded to GSU's request for production of documents by providing GSU with the opportunity to review the documents that it had requested.

^{1/} See Cajun responses to G-1, 2, 3, 4, 5; 1 - 9, 11, 13, 15 - 18, 22, 40.

GSU's Motion to compel is moot and should be dismissed.^{2/}

B. GSU's Motion For Additional Discovery

Both Cajun and GSU have propounded their initial discovery requests. Both Cajun and GSU have provided responses to those discovery requests. At this point, the period the Board has allowed for discovery has passed. Neither party has undertaken followup discovery to the responses to their initial discovery requests.

GSU's Motion seeks an additional round of discovery for itself in this proceeding.^{3/} GSU seeks to be permitted to conduct followup discovery on Cajun's answers and document production. GSU received Cajun's answers and documents on September 30, 1994.

Cajun is in a similar position to GSU inasmuch as Cajun received the documents it had requested of GSU on September 27, 1994.^{4/} Cajun has not had an opportunity to conduct followup

2/ Contrary to the impression that GSU would convey, namely, that Cajun would "flout" the Commission rules and simply not respond, Cajun has dedicated significant top level personnel to search for the information and documentation that GSU requested. Cajun's search involved multiple offices and departments and was -- and is being -- conducted with the intent of fully complying with the Board's requirements. The first indication that Cajun received of GSU's dissatisfaction with Cajun's efforts to complete its responses to GSU's interrogatories was the receipt of the Motion.

3/ See Motion at 2, 8 and 9.

4/ GSU answered Cajun's interrogatories on September 21, 1994. Although GSU did not provide Cajun with the documents that were requested, GSU made the documents available for inspection in the Washington office of their legal counsel.

(continued...)

discovery on the responses it received to its interrogatories and document request. The only difference between GSU's and Cajun's position, is that Cajun received GSU's responses to interrogatories the day before discovery closed. Like GSU, however, Cajun first viewed, and actually received from GSU, the requested documents after the close of discovery.

Given the importance and complexity of the issues in this proceeding, Cajun believes that additional discovery could improve the record. However, additional discovery should be afforded equally to all parties.

Cajun does not object to followup discovery on the responses to initial discovery requests so long as Cajun is provided the same right to conduct such discovery. Providing GSU alone with an opportunity to conduct additional discovery would be neither fair, nor equitable nor consistent with the development of a full record.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Atomic Safety and Licensing Board should deny as moot GSU's Motion to compel answers and the production of documents by Cajun. The Board should order a second round of discovery for all parties in this

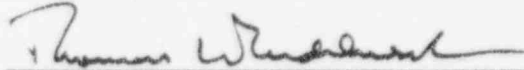
4/(...continued)

On September 23, 1994, Counsel for Cajun inspected the documents and identified those that Cajun sought to have copied. On September 27, 1994, Cajun received the documents that it had requested in this proceeding.

proceeding. To the extent GSU's Motion sought additional discovery for GSU alone, that Motion should be denied.

Dated: September 30, 1994

Respectfully submitted,



James D. Pembroke

Thomas L. Rudebusch

Michael R. Postar

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UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
GULF STATES UTILITIES)
COMPANY, et al.) Docket No. 50-458-0LA
)
(River Bend Station, Unit 1))

NOTICE OF APPEARANCE

In accordance with 10 C.F.R. § 2.1713(b), the undersigned attorney enters an appearance in the above-captioned proceeding and supplies the following information:

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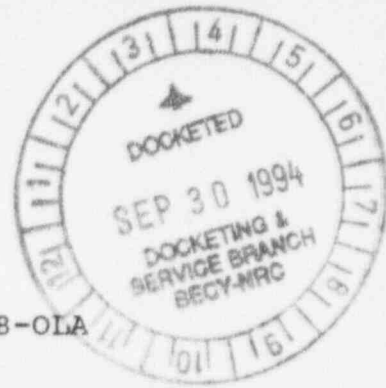
Dated: September 30, 1994 Respectfully submitted,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)

GULF STATES UTILITIES)
COMPANY, et al.)

(River Bend Station, Unit 1))

Docket No. 50-458-OLA

CERTIFICATE OF SERVICE

I, Thomas L. Rudebusch, hereby certify that on this 30th day of September 1994, I served on the following by hand or first class mail, postage pre-paid, copies of the ANSWER OF CAJUN ELECTRIC POWER COOPERATIVE, INC., TO MOTION TO COMPEL PRODUCTION AND FOR ADDITIONAL DISCOVERY.

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Administrative Judge
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Administrative Judge
B. Paul Cotter, Jr., Chairman
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