

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONDOCKETED  
USMRCBEFORE THE ATOMIC SAFETY AND LICENSING BOARD 94 SEP 22 P4:11In the Matter of )  
Gulf States Utilities Co., et al. )  
(River Bend Station, Unit 1) )Docket No. 50-458-OLA  
ASLBP No. 93-680OFFICE OF SECRETARY  
DOCKETING SERVICEGULF STATES UTILITIES COMPANY'S RESPONSES TO CAJUN'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS DATED AUGUST 22, 1994

The Respondents, Gulf States Utilities Company ("Gulf States") and Entergy Operations, Inc. ("Entergy Operations") respond to the First Request for Production of Documents propounded by Cajun Electric Power Cooperative, Inc. ("Cajun") as follows. These responses were prepared under the supervision of Wenstrom E. Edge and Glenn E. Harder of Entergy Operations. GSU has interpreted these requests as not applying to pleadings, testimony, evidence or responses to discovery in this or other pending litigation between GSU and Cajun, nor to statutes or regulations. The documents are available for inspection and copying at the offices of Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502. Contact Mark Wetterhahn or Joseph Knotts at (202) 371-5700 to arrange a convenient time to inspect the documents.

These Responses are subject to the Objections filed by Gulf States dated September 6, 1994.

1. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on the operation of River Bend.

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**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

2. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on filling planned or needed staff positions at both the River Bend plant and GSU, Entergy or EOI offices.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

3. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on implementation of training program plans and commitments.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

4. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on scheduled plant maintenance tasks, including implementation of preventive maintenance programs.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

5. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on timely completion of scheduled plant design changes and modifications affecting safety.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

6. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on procurement of new and replacement parts.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

7. Please provide all documents related to the effect of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU on management and quality assurance oversight functions.

**RESPONSE:** Other than references contained in the documents produced in Response to Request No. 36, the Respondents are not aware of any specific documents responsive to this request.

8. Please provide all documents related to the source(s) of funding of EOI.

**RESPONSE:** Copies of these documents will be produced for inspection and copying.

9. Please provide all documents related to Entergy's obligation, commitment or intention to provide or guarantee the funding of GSU in the event of a determination adverse to GSU in the River Bend Litigation or a GSU bankruptcy.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

10. Please provide all documents related to the financial exposure GSU experiences as a result of the Public Utility Commission of Texas refusing to allow a return on all of GSU's investment in River Bend.

**RESPONSE:** Please see the documents produced in response to Request No. 27.

11. Please provide all documents related to the financial exposure GSU experiences as a result of the River Bend Litigation.

**RESPONSE:** Please see the documents produced in response to Request No. 27.

12. Please provide all GSU budgets and balance sheets, River Bend budgets and balance sheets and EOI budgets and balance sheets for the years 1991 to 1995, including but not limited to the budgets for River Bend O&M expenses.

**RESPONSE:** Copies of these documents will be produced for inspection and copying.

13. Please provide all documents which relate to the funding of River Bend operations, by GSU or otherwise, in the event of a determination adverse to GSU in the River Bend Litigation or in the bankruptcy of GSU.

**RESPONSE:** Please see the documents produced in response to Request No. 27.

14. Please provide all documents related to the operation and maintenance of River Bend, and the funding of such operation and maintenance in the event of a Cajun bankruptcy with Cajun ceasing to make payments to GSU under the Cajun/GSU Joint Ownership Participation and Operating Agreement.

**RESPONSE:** Please see the documents produced in response to Request No. 27.

15. Please provide all documents related to the impact on GSU's, Entergy's and EOI's financial condition in the event of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU.

**RESPONSE:** Please see the documents produced in response to Request No. 27.

16. Please provide all documents related to the actions you would take with regard to River Bend operation in the event of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

17. Please provide all documents related to the potential shutdown of River Bend in the event of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

18. Please provide all documents related to the specific actions which you would take with regard to the operation and maintenance of River Bend in the event of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

19. Please provide all documents which reflect how GSU would shut down River Bend in a non-emergency situation, including the shutdown scenario regarding which Edwin A. Lupberger and Donald C. Hintz testified at the Federal Energy Regulatory Commission GSU/Entergy merger proceedings.

**RESPONSE:** There is no specific "shutdown scenario" referred to by Lupberger or Hintz in the FERC transcript pages to which the request alludes. A copy of the Shutdown Procedure in use at River Bend will be produced for inspection and copying.

20. Please provide copies of all contracts EOI has entered into regarding River Bend.

**RESPONSE:** A copy of the Operating Agreement, Switchyard Agreement, Support Agreement and Guarantee Agreement will be produced for inspection and copying. All other contracts are for specific plant functions with various vendors and other local agencies, such as hospitals and have been entered into by Entergy Operations solely in its agency capacity. These can be made available at River Bend for inspection and copying.

21. Please provide copies of all agreements (including, but not limited to, operating agreements and guarantee agreements) which EOI has entered into with regard to other nuclear generating stations owned in whole or in part by Entergy or its subsidiaries.

**RESPONSE:** A copy of documents responsive to this request will be produced for inspection and copying. As with Request No. 20, there are numerous other contracts for specific plant functions with various vendors and other local agencies that have been entered into by Entergy Operations solely in its agency capacity. These can be made available at the various plants for inspection and copying.

22. Please provide a copy of EOI's corporate charter and by-laws.

**RESPONSE:** A copy of these documents will be produced for inspection and copying.

23. Please provide all documents related to EOI's ability to borrow money or obtain funding, external to Entergy Corporation or its subsidiaries, to allow EOI to operate and maintain River Bend.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

24. Please provide all documents related to EOI's capital structure, capitalization, net worth, major assets and cash flow from 1991 to the present, and projected to December 31, 1995.

**RESPONSE:** A copy of these documents for 1991, 1992, 1993 and 1994 will be produced for inspection and copying. Cash flow projections for 1995 will also be produced for inspection and copying. These are the only projections available.

25. Please provide all contracts between EOI and Entergy Corporation.

**RESPONSE:** Please see Guarantee Agreements produced in response to Request No. 21 and documents produced in response to Request No. 8.

26. Please provide the current organizational charts of Entergy Corporation, GSU and EOI.

**RESPONSE:** A copy of these documents will be produced for inspection and copying.

27. Please provide copies of all annual and quarterly reports made by Entergy Corporation, GSU and EOI to the Securities and Exchange Commission.

**RESPONSE:** Copies of these documents from 1991 to present will be produced for inspection and copying.

28. Please provide all minutes of Board of Directors meetings or meetings of the officers of GSU, Entergy Corporation

and EOI which reflect any material, documents or discussions regarding the River Bend Litigation, the impact of a Cajun victory in the River Bend Litigation or the bankruptcy of GSU on: GSU's, Entergy Corporation's or EOI's financial situation; GSU's or EOI's ability to operate and maintain River Bend; the funding of GSU's or EOI's operation and maintenance of River Bend; the potential shut down of River Bend; and the procedures for the shut down of River Bend.

**RESPONSE:** The minutes of the Board of Directors or meetings of the officers of GSU, Entergy Corporation and EOI which reference the River Bend Litigation or the bankruptcy of GSU will be produced for inspection and copying.

29. Please provide copies of all documents submitted to the Boards of Directors or officers related to the matters referenced in Request for Production No. 28.

**RESPONSE:** These documents as they relate to Entergy were not retained other than presentations made by counsel regarding the status of litigation. As such, they are privileged from discovery as attorney-client communications and attorney work product. As to GSU, the only documents retained are attached to the GSU Board of Directors minutes of July 6, 1989 and are included in response to Request No. 28. There were no documents as they relate to EOI responsive to this request.

30. With regard to the "System Energy Resources, Inc., Merger Opportunities Study, River Bend Operations and Economic Analysis, May 21, 1990" ("Merger Study"), please provide all drafts of such study.

**RESPONSE:** No drafts of the Merger Study were retained.

31. Please provide all documents which comment upon or otherwise relate to the Merger Study.

**RESPONSE:** The Merger Study was based on an analysis of publicly available information, such as SEC reports, NRC correspondence and reports, FERC Form 1 data and other nuclear



industry reports. Copies of this material, drafts of the report, work papers or supporting documents were not retained.

32. Please provide all documents which relate to the Merger Study's conclusion on page 6 that the River Bend Litigation raises "very serious issues that should be weighed heavily in any decisions made" regarding merger opportunities between GSU and Entergy or between Entergy and Cajun.

**RESPONSE:** Please refer to response to Request No. 31.

33. Please provide all documents related to the Merger Study's conclusion, at page 35, that if GSU lost the River Bend Litigation and was required to make substantial payments to Cajun that it would declare bankruptcy.

**RESPONSE:** As stated on page 35 of the Merger Study, that conclusion was based on statements contained in certain documents Gulf States filed with the Securities and Exchange Commission under the Securities and Exchange Act of 1934. Copies of those documents were not retained; however, the 1991 Form 10-K filed by GSU contains statements relevant to this request. That document is being produced in response to Request No. 27.

34. Please provide all documents which relate to the Merger Study's conclusion at page 36 that if GSU were required to absorb Cajun's share of the River Bend O&M costs that "there can be no assurance that Gulf States' resources would be adequate."

**RESPONSE:** Please see response to Request No. 31.

35. Please provide all documents related to any analysis of all possible ownership arrangements for River Bend following the merger, prepared by Entergy, EOI or GSU, including, but not limited to, correspondence with the NRC or its staff.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

36. Please provide copies of all documents submitted to the NRC Staff, and the NRC responses thereto, regarding the Cajun Litigation, a GSU bankruptcy and the operation and maintenance of River Bend in the event of a determination adverse to GSU in the River Bend Litigation or the bankruptcy of GSU.



**RESPONSE:** A copy of these documents will be produced for inspection and copying.

37. Please provide a copy of the NRC Management Report entitled "Power Reactor Ownership Arrangements and their Potential Impact on Safety," dated October 7, 1991.

**RESPONSE:** This document has not been found in Respondent's possession.

38. Please provide all documents which relate to whether EOI has adequate resources, without payments by GSU, to complete decommissioning of River Bend safely.

**RESPONSE:** The Respondents are not aware of any specific documents responsive to this request.

39. Please provide all documents which relate to or describe the financial control the Entergy Operating Committee, or Entergy Corporation exercises over GSU or River Bend.

**RESPONSE:** A copy of the System Agreement with amendments resulting from the merger will be produced for inspection and copying. This Agreement is still in the process of being approved by FERC.

40. Please provide all documents which describe the operational control the Entergy Operating Committee, or Entergy Corporation exercises over GSU or River Bend.

**RESPONSE:** Please see response to Request No. 39.

41. Please provide each organization chart for River Bend management from 1991 through present.

**RESPONSE:** A copy of these documents will be produced for inspection and copying.

RELATED CORRESPONDENCE

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'94 SEP 22 P4:11

In the Matter of )  
 )  
GULF STATES UTILITIES COMPANY ) Docket No. 50-458-OLA  
 )  
 ) Re: License Amendment  
(River Bend Station, Unit 1) ) (Transfer of Ownership and  
 ) Control)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Gulf States Utilities Company's Responses to Cajun's First Request for Production of Documents dated August 22, 1994" were served on the following, by first class mail, postage pre-paid, this 21st day of September, 1994:

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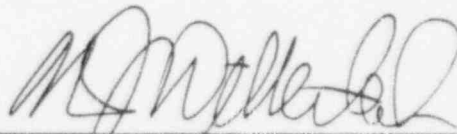
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