

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



In the Matter of HOUSTON LIGHTING AND POWER Co., et al (South Texas Project, Units 1 and 2))	Docket Nos. 50-498A 50-499A
TEXAS UTILITIES GENERATING COMPANY (Comanche Peak Steam Electric Station, Units 1 and 2))	Docket Nos. 50-445A 50-446A

THIRD SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE
TO THE SECOND SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS FROM
HOUSTON LIGHTING & POWER COMPANY TO
ANTITRUST DIVISION, U.S. DEPT. OF JUSTICE

Pursuant to 10 C.F.R. § 2.740(e), the Department of Justice ("Department"), based upon its present belief and the information presently in its possession, hereby supplements its initial response of April 3, 1979, to Interrogatory 1 of the "Second Set of Interrogatories and Requests for Production of Documents from Houston Lighting & Power Company to Antitrust Division, U.S. Dept. of Justice," dated February 9, 1979. 1/ The Department expressly reserves its right, in accordance

1/ At the June 21, 1978 prehearing conference in the above captioned matter, the Atomic Safety and Licensing Board ("Board") directed that discovery requests be considered continuing in nature and that answers to interrogatories and/or document production be supplemented when and if additional pertinent information and/or documents came to light after initial responses to a request were completed.

with 10 C.F.R. § 2.740(e) to add to, alter, amend or modify the information provided herein, at the appropriate time.

Interrogatory 1 states:

1. (a) Identify each witness, other than an expert witness, who the Division may call in this proceeding, and provide a summary of the testimony which each such witness is expected to offer.

(b) Identify all documents upon which each such witness may rely in any way, and provide copies of any such document not already in the possession of Houston.

The Department, based upon its present belief and the information presently in its possession, supplies the following supplemental information regarding interrogatory 1.

1. (a) The following individuals may testify for the Department in the above captioned proceedings, by subpoena or otherwise, regarding, among other things, their electric utility systems, their present and potential bulk power suppliers, utility customers, the competitive situation with respect to electric power and energy both inside and outside the State of Texas, the effect of the applicants' general operations policies on the planning and operation of their systems, and the applicants' policy against intrastate operations:

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In addition to the above-named individuals, the Department specifically reserves the right to call as a witness for the Department any of the individuals whose depositions have been noticed in these proceedings or in connection with West Texas Utilities Co. v. Texas Electric Service Co., 470 F. Supp. 798 (N.D. Tex. 1979), appeal pending, for the purpose of testifying and/or identifying documents. The Department also reserves the right to call any individual needed to identify documents for the purpose of introducing documents at the hearing. Furthermore, because of ongoing discovery and investigation, the Department may decide to delete the names of some of the individuals designated on this list or add other persons to this list. Houston Lighting and Power ("HL&P") will be notified at the earliest possible time of any such additions and/or deletions.

(b) The Department is providing and making available for inspection various documents which some of the above-named potential witnesses may use in conjunction with their testimony. The Department does not know, at this time, however, which of these documents, if any, may be relied upon by these potential witnesses.

The Department has attached to this Supplementary Interrogatory Response, the following documents: Exhibit 1 which contains documents which Mr. Meyers and Mr. Marsh may

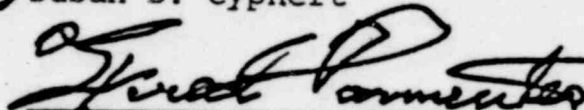
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rely upon in their testimony; Exhibit 2 which contains documents which Mr. Phelps may rely upon in his testimony; and Exhibit 3 which contains documents which Mr. Milford may rely upon in his testimony. The documents upon which Mr. Segrest may rely are voluminous. Within a reasonable time after receiving notice, the Department will make these documents available for any of the parties to these proceedings for inspection at the Department's offices.

Based on the information presently in the Department's possession, the supplemental information provided herein is, to the best of the Department's present belief and knowledge, true and correct.

Respectfully submitted,

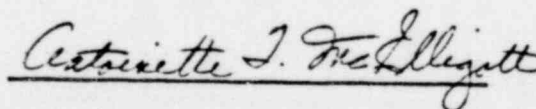

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Washington, D.C.
November 27, 1979

Subscribed and sworn to before me, a notary public, this 27th day of November, 1979.



Dated: November 27, 1979

Washington, D.C.

My Commission Expires January 1, 1981

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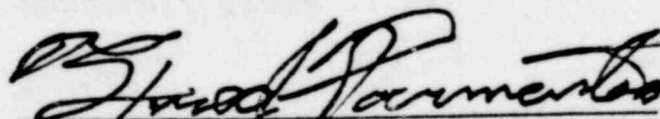
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