

# SPIEGEL & MCDIARMID

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MARC R. POIRIER

September 8, 1986

Mr. Jesse L. Funches, Director  
Planning and Program Analysis Staff  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Comanche Peak Steam Electric Station, Unit 1,  
Docket No. 50-445A; Antitrust Operating License  
Review; Responses to Regulatory Guide 9.3

Dear Mr. Funches:

On September 2, 1986, Brazos filed its responses to Staff's inquiries relating to new activities and present circumstances. Brazos served copies of its comments on representatives of each of its co-applicants, as indicated on the certificate of service. In addition, Brazos has forwarded its comments to CASE, the intervenor active in the Operating License proceeding. If any other individuals or organizations should be served with copies of Brazos's comments, please inform me by letter or telephone.

Additionally, Brazos has discovered that the letter of July 7, 1986 labeled as Exhibit All to its comments was included in error--that letter is a draft that differs somewhat from the actual letter sent nine days later. Six copies of the correct Exhibit All are enclosed, and copies are being forwarded to all parties served with Brazos's comments.

Sincerely yours,



Ben Finkelstein  
Counsel for Brazos Electric  
Power Cooperative, Inc.

cc: Mr. William G. Council  
Robert Wooldridge, Esq.  
Blake Tartt, Esq.  
William H. Burchette, Esq.

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B. BARA S. ESBIN

September 8, 1986

Mrs. Juanita Ellis  
President, CASE  
1426 S. Polk Street  
Dallas, Texas 75224

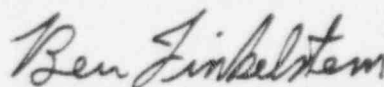
Anthony Z. Roisman, Esq.  
Trial Lawyers for Public Justice  
2000 P Street, N.W., Suite 611  
Washington, D.C. 20036

Re: Comanche Peak Steam Electric  
Station, Unit 1, Docket No. 50-445A;  
Antitrust Operating License Review;  
Responses to Regulatory Guide 9.3

Dear Mrs. Ellis and Mr. Roisman:

I have been informed that CASE was provided, by Mr. Wooldridge's office, with a copy of TUEC's responses to NRC Staff inquiries concerning new activities and present circumstances relating to the NRC's antitrust review obligations. I am forwarding to you the comments filed by Brazos Electric Power Cooperative, Inc., as co-applicant, in response to the same Staff inquiry.

Sincerely yours,



Ben Finkelstein  
Counsel for Brazos Electric  
Power Cooperative, Inc.

enclosure

cc: Robert A. Wooldridge, Esq.  
Blake Tartt, Esq.  
William H. Burchette, Esq.

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September 8, 1986

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President, CASE  
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Sincerely yours,



Ben Finkelstein  
Counsel for Brazos Electric  
Power Cooperative, Inc.

enclosure

cc: Robert A. Wooldridge, Esq.  
Blake Tartt, Esq.  
William H. Burchette, Esq.



The Brazos System

Brazos Electric Power Cooperative, Inc.

RICHARD E. McCASKILL  
EXECUTIVE VICE PRESIDENT  
AND GENERAL MANAGER

July 16, 1986

Mr. John W. Beck  
Vice President  
Texas Utilities Generating Company  
Skyway Tower  
400 North Olive Street, L.B. 81  
Dallas, Texas 75201

Dear John:

We have received your July 14, 1986 letter, concerning the NRC antitrust review. We shall follow your suggestion that we respond directly to the NRC. In this context, I note that Section 20 of our Joint Ownership Agreement for Comanche Peak restricts our ability to transmit power and energy in interstate commerce. Similar language is found in other contracts with your company. I am advised by our counsel that Section 20, and similar provisions in other contracts, restrain trade through their effect of restricting Brazos to buying and selling within the ERCOT area of Texas.

Two simple examples point up the difficulty that Section 20 brings:

1. If Comanche Peak continues to be delayed (and we are forced to retain our ownership share), we cannot practically replace such deficient power and energy from economical power supply sources outside of ERCOT.
2. Brazos has made application for 7.5 MW of non-ERCOT SWPA power. The value to us of such power is greatly reduced because of our inability to have normal A.C. transmission of such power.

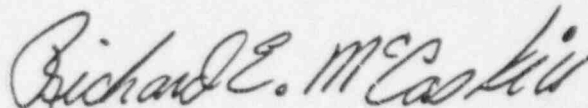
We therefore, request that we be released from such "interstate" clauses.

Since your response is necessary to respond to the NRC antitrust review, I

Mr. John W. Beck  
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would appreciate an early reply.

Very truly yours,

  
Richard E. McCaskill

REM/lw

cc: Mr. J. S. Farrington, Chairman of the Board  
and Chief Executive  
Texas Utilities Electric Company

Mr. Michael D. Spence, Division President  
Texas Utilities Generating Company

Mr. Frank Bennett, Director  
Southeast Area - Electric  
Rural Electrification Administration

Mr. John H. Butts, Manager  
Tex-La Electric Cooperative of Texas, Inc.

Mr. Ed Wagoner, General Manager  
Texas Municipal Power Agency