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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

HOUSTON LIGHTING AND POWER CO., et al.	)	Docket No. 50-498A 50-499A
(South Texas Project, Units 1 and 2)	)	
TEXAS UTILITIES GENERATING COMPANY, et al.	)	Docket No. 50-445A 50-446A
(Comanche Peak Steam Electric Station, Units 1 and 2)	)	

TUGCO'S RESPONSE TO THE PUBLIC UTILITIES
BOARD OF BROWNSVILLE'S
MARCH 31, 1980 MOTION

At the oral argument in this directed certification proceeding on March 27, 1980, counsel for the Public Utilities Board of Brownsville, Texas requested (Tr. 45-47) and received (Tr. 104-107) leave to make a statement regarding information which had come to his attention regarding the status of settlement discussions. As it turned out, the statement was a request to the Appeal Board to pose a question to the petitioners for directed certification regarding the status of settlement. Counsel for Houston Lighting and Power Company responded to that question when posed and described the status of settlement talks to the satisfaction of TUGCO and Central and Southwest Corporation as indicated on the record. (Tr. 107-09).

On March 31, 1980, counsel for the Public Utilities Board of Brownsville filed the instant motion for leave to file an

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affidavit which was accompanied by an affidavit by Mr. Roundtree of the Public Utilities Board of Brownsville. By order of April 2, 1980, the Appeal Board has directed that the parties respond by April 9, 1980.

It is evident that Brownsville's counsel seeks to cast doubt on representations by other parties to the effect that: settlement talks are continuing in order to finalize and implement an agreement in principle among CSW, HL&P and TU regarding the interconnection dispute among them; no final and binding settlement has been formalized; and release of settlement documents would have a chilling effect on these and related settlement discussions both among the petitioners and between them and other parties. Brownsville would have it that settlement among CSW, HL&P and TU is substantially consummated (which it is not) and ignores the effect of release of settlement documents, as a matter of principle, on whether or not necessary confidentiality will be accorded to other settlement discussions and documents.

It appears to us that the gravamen of the complaint by Brownsville's counsel is that the Public Utilities Board was brought into and apprised of matters arising from the agreement in principle regarding the interconnection dispute some days after responsible governmental officials were so apprised.

Brownsville's complaint seems to us a petty one and it appears to have no substantial bearing on the matters before the Appeal Board. Therefore, we would urge that the Appeal Board deny the motion and not entertain Brownsville's affidavit.

In the alternative, if the Appeal Board does entertain the affidavit, then we request leave to file on a day's notice a TUGCO affidavit regarding the status of settlement.

Respectfully submitted,

Joseph B. Knotts, Jr.
Counsel to Texas Utilities
Generating Company

Date: April 9, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "TUGCO's Response to the Public Utilities Board of Brownsville's March 31, 1980 Motion" in the above captioned matters, were served upon the following persons by deposit in the United States mail, first class postage prepaid or by hand delivery as indicated by an asterisk this 9th day of April, 1980.

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