

Certification of Questions from the Oral Deposition of  
E. Dale Scarth  
February 12, 1980

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
HOUSTON LIGHTING & POWER ( NRC Docket Nos.  
COMPANY, et al ) 50-498A and 50-499A  
(South Texas Project, ( )  
Unit Nos. 1 and 2) )

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In the Matter of )  
TEXAS UTILITIES GENERATING ( )  
COMPANY, et al ) NRC Docket Nos.  
(Comanche Peak Steam ( 50-445A and 50-446A  
Electric Station, )  
Units 1 and 2) ( )

(Consolidated for Discovery)

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CERTIFICATION OF QUESTIONS  
FROM THE ORAL DEPOSITION OF E. DALE SCARTH

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1 Questions by Mr. Blume:

2 Q. I see. Mr. Scarth, are you aware of any load  
3 flow or stability studies run by either University or any  
4 other TU consultants or any employees of the Texas  
5 Utilities Company System which are directed toward  
6 evaluating the effects of synchronously interconnecting  
7 ERCOT with the Southwest Power Pool?

8 (Whereupon, there was a  
9 (discussion off the record.

10 MR. KNOTTS: Mr. Scarth, to the  
11 extent that your answer would necessarily embrace  
12 settlement discussions which may be ongoing or may have  
13 been ongoing at some stage of these proceedings or  
14 related proceedings, I'll direct you not to answer. But  
15 to the extent you can answer without impinging on the  
16 settlement discussions, go right ahead.

17 THE WITNESS: There is a study  
18 underway jointly by a planning task force, the Southwest  
19 Power Pool, and the planning subcommittee of ERCOT, in  
20 connection with the FERC hearing that will address the  
21 synchronous operation of ERCOT and the Southwest Power  
22 Pool, the interconnection of ERCOT and Southwest Power  
23 Pool at DC, and the operation of ERCOT and Southwest  
24 Power Pool without any interconnection for the future.

25 Q. (By Mr. Blume): Thank you, Mr. Scarth. I

1 don't mean to intrude on any settlement discussions or  
2 the content of any such discussions. What I'm interested  
3 in is whether TU or any of its consultants have done any  
4 load flow or stability studies which evaluate the effects  
5 of interconnecting synchronously ERCOT and the Southwest  
6 Power Pool.

7         A. All right. Now, we have made many studies in  
8 the past that examine the operation of ERCOT and how it  
9 is doing, the reliability of it. We have -- there have  
10 been studies that have looked at operating ERCOT and the  
11 Southwest Power Pool synchronously over the last 15 or 20  
12 years they have gone -- been done with fairly -- Well,  
13 every three or four years it seems like some question  
14 would come up about it.

15                     I specifically remember, I  
16 guess in about '68 or '9 when the Federal Power  
17 Commission recommended that it be done, and a study was  
18 done by Houston and Gulf States and Texas Power & Light.  
19 That sort of thing has been done repeatedly. And the  
20 opinions that we have formed based on those studies and  
21 based on what was done, of course, in more detail as far  
22 as ERCOT planning was concerned, because once we decided  
23 there wasn't any advantage to us to interconnect with  
24 Southwest Power Pool, well, then we did the more specific  
25 development which incorporated a whole lot more studies

1 on ERCOT as it has been operated. But those have been  
2 ongoing for many years.

3 Q. Okay. I'm sure I wasn't clear enough. Let me  
4 try again. Again I don't want to intrude on any -- the  
5 substance of any discussions you have had with any other  
6 party to settle with this proceeding. We are certainly  
7 not going to try to frustrate those efforts, but what I'm  
8 interested in knowing is whether TU or any of its  
9 consultants have run any stability or load flow studies  
10 evaluating the effects on the TU System of synchronously  
11 interconnecting TIS with Southwest Power Pool.

12 A. Do you have any period of time that you are  
13 asking that question over?

14 Q. Are you aware of any?

15 A. I guess the answer to that question is "No,  
16 I'm not aware of any." There may have been some that  
17 were done in connection with the '69 or some of those  
18 studies back there. I looked at the results of that  
19 report. I was not involved in actually making any  
20 studies that were done at that point, so I think the  
21 answer to that question is "I'm not aware of any."

22 Q. Okay.

23 A. Other than what may be done under settlement.

24 Q. Under --

25 A. Under the settlement discussions. Other than

1 what may be privileged information from this.

2 Q. Well, are you saying "No, I'm not aware of any,"  
3 or "No, there aren't any stability studies that have been  
4 done which weren't in connection with settlement"?

5 (Whereupon, there was a  
6 (discussion off the record.

7 MR. KNOTTS: Let's go off the  
8 record for a second.

9 (Whereupon, there was a  
10 (discussion off the record.

11 Q. (By Mr. Blume): So, Mr. Scarth, is it your  
12 testimony that no stability or load flow studies have  
13 been run by TU or its consultants either inside or  
14 outside the ambit of settlement?

15 MR. KNOTTS: Okay. For the  
16 record I guess I have to object to the form of that  
17 question and direct the witness not to answer to the  
18 extent that he would necessarily have to reveal  
19 information regarding settlement discussions in this and  
20 related proceedings.

21 MR. BLUME: Okay. Staff's  
22 position is that the board's order on the settlement  
23 privilege is designed to protect discussions on  
24 settlement between the parties to this proceeding and not  
25 to protect technical studies which may somehow

1 tangentially be the subject of settlement talks.

2 MR. KNOTTS: Just for  
3 clarification would the staff's position be different if  
4 the hypothetical studies that we are discussing were not  
5 tangential?

6 MR. BLUME: Tangential is a  
7 gratuitous word. It's not the studies the board sought  
8 to protect. It's the content and the substance of the  
9 discussions between the parties to settle this proceeding.  
10 And I think that we will request that this request be  
11 certified to the board.

12 MR. DOPSOVIC: The department  
13 also concurs in the staff's request and logic of its  
14 arguments.

15 (Whereupon, there was a  
16 (discussion off the record.

17 MR. BLUME: Just one more  
18 addition, and that is -- the question to start with is  
19 whether any study has even been done, and, as I  
20 understand it, the instruction is the same on that  
21 question as to the results of such studies; is that  
22 correct, Mr. Knotts?

23 MR. KNOTTS: Mr. Scarth has  
24 answered the question outside the context of settlement  
25 discussions, and his answer, as I understand it, is that

1 there have not been any studies during his period.

2 THE WITNESS: That I was aware  
3 of.

4 MR. KNOTTS: That he was aware  
5 of outside the context of settlement discussions, and he  
6 is on the horns of a dilemma as to how he can answer a  
7 question with regard to studies in the context of  
8 settlement discussions without revealing whether or not  
9 there are settlement discussions; if so, with whom.

10 MR. BLUME: Okay. Thank you.

11 MR. KNOTTS: And the  
12 assumptions that might be going into studies.

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1 THE STATE OF TEXAS )  
2 COUNTY OF DALLAS )

3 I, JAY HARPER, Certified  
4 Shorthand Reporter in and for the State of Texas, do  
5 hereby certify that, pursuant to agreement of counsel,  
6 there came before me on the 12th day of February, A. D.  
7 1930, at 9:27 o'clock A. M., the following named person,  
8 to-wit: E. DALE SCARTH, who was by me duly sworn to  
9 testify to the truth and nothing but the truth of his  
10 knowledge touching and concerning the matters in  
11 controversy in this cause; that he was thereupon  
12 carefully examined upon his oath and his examination  
13 reduced to typewriting under my supervision; that the  
14 following excerpt is a true record of the testimony given  
15 by the witness.

16 IN WITNESS WHEREOF I have  
17 hereunto set my hand and affixed my Notarial seal on this  
18 the 12th day of February, A. D. 1930.

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JAY HARPER  
Notary Public in and for  
Bexar County, Texas