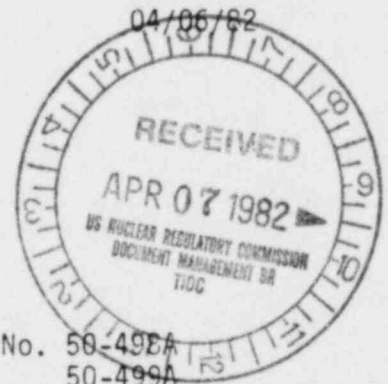


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before James A. Laurenson  
Administrative Law Judge



In the Matter of )  
HOUSTON LIGHTING & POWER COMPANY, )  
et al. )  
(South Texas Project, Units 1 and 2) )  
TEXAS UTILITIES GENERATING COMPANY, )  
et al. )  
(Comanche Peak Steam Electric )  
Station, Units 1 and 2) )

Docket No. 50-498A  
50-499A

Docket No. 50-445A  
50-446A

NRC STAFF'S STATEMENT PURSUANT  
TO NOTICE OF MARCH 22, 1982

I. INTRODUCTION

On March 22, 1982, the Administrative Law Judge appointed to replace the Licensing Board in the captioned proceeding issued a Notice of Conference of Counsel to be held on April 13, 1982.<sup>1/</sup> By that Notice, Judge Laurenson also directed each party to file, by April 6, a statement including: 1) a brief narrative of the pertinent history of the consolidated proceeding and the current status; 2) identification of the issues to be resolved; and 3) affirmative recommendations as to how each issue should be resolved.

---

<sup>1/</sup> By Notice of Reconstitution of Board (February 23, 1982) a single Administrative Law Judge was appointed to preside over this proceeding in place of the Atomic Safety and Licensing Board. In this "Statement" the Staff identifies those actions taken prior to the reconstitution as actions of the Board.

/ DESIGNATED ORIGINAL

8204080393 820406  
PDR ADUCK 03000445  
M PDR

Certified By

C Moore  
DS07s/

## II. HISTORY OF THE CONSOLIDATED PROCEEDING

### 1. The South Texas Proceeding

In May 1974, Houston Lighting and Power Company ("HLP"), Central Power and Light Company ("CPL"), Community Public Service Board of San Antonio ("San Antonio"), and the City of Austin Electric Utility Department ("Austin") filed an application for construction permits to build the South Texas Project Units 1 and 2. No proceeding was initiated on the antitrust aspects of the South Texas Project licensing as the Attorney General's advice regarding the need for a hearing was in the negative and no petitions to intervene were filed.

On June 4, 1976, after the initial decision authorizing the issuance of the construction permits had become final, CPL filed a "Petition for Leave to Intervene and Request for Hearing Out of Time." The basis for the request was that HLP had disconnected from CPL on May 4, 1976, and that this event and the circumstances surrounding it were supervening developments which constituted "good cause" for the lateness of the petition. The Licensing Board to which the petition was referred was persuaded by this argument and granted the late petition.<sup>2/</sup> The Appeal Board reversed<sup>3/</sup> and the Commission chose not to review ALAB-381, thus bringing to a close consideration of CPL's request to reopen the CP proceeding.

---

<sup>2/</sup> Order Granting Petition Of Central Power and Light Company for Leave to Intervene and for an Antitrust Hearing (September 9, 1976).

<sup>3/</sup> ALAB-381, 5 NRC 582, (1977)

On February 10, 1977, HLP filed a "Petition for a Declaratory Order or, Alternatively, for Waiver of Regulation." The purpose of this petition was to request the Commission to initiate the operating license antitrust review prior to the filing of the Final Safety Analysis Report ("FSAR") and to determine that a significant change within the meaning of Section 105c of the Act had occurred. The Commission in reviewing the petition and responsive pleadings considered the allegations that formed the basis of CPL's earlier request for reopening the CP proceeding. The Commission found that a "significant change" in the licensee's activities had occurred subsequent to the construction permit antitrust review. The Commission also determined that early review was desirable and that the prior filing of the FSAR as a precondition to the seeking of the Attorney General's advice pursuant to Section 105c(2) of the Act could, and should in this instance, be waived.<sup>4/</sup>

The Attorney General's advice was sought pursuant to Section 105(c). His advice was that an operating license antitrust hearing should be held.<sup>5/</sup>

In response to a Federal Register notice giving interested persons the opportunity to intervene<sup>6/</sup>, a number of petitions were filed and

---

<sup>4/</sup> CLI-77-13, 5 NRC 1303 (1977).

<sup>5/</sup> Letter from John Shenefield to Howard K. Shapar, dated February 21, 1978.

<sup>6/</sup> 43 Fed. Reg. 15811 (April 14, 1978).

ultimately the petitions of Texas Utilities Generating Company ("TUGCO"), South Texas Electric Cooperative, Inc./Medina Electric Cooperative, Inc. ("STEC/MEC"), and the Public Utilities Board of Brownsville ("Brownsville") were granted by the Licensing Board.<sup>7/</sup>

2. The Comanche Peak Proceeding

In July 1973, Texas Utilities Generating Company ("TUGCO") filed on behalf of Texas Utilities' operating subsidiaries an application to construct the Comanche Peak Steam Electric Stations, Units 1 and 2. The construction permit antitrust review was conducted in accordance with Section 105c of the Act and resulted in the Attorney General's advising that no hearing would be necessary, as TUGCO had agreed to the imposition of certain conditions on its license which would substantially alleviate the Department's concerns regarding possible anticompetitive behavior in connection with activities under the license. As the Attorney General recommended no hearing and there were no petitions to intervene on antitrust matters, there was no construction permit antitrust hearing. The construction permits issued in 1974 with the conditions recommended by the Attorney General attached.

Upon the application for operating licenses for Comanche Peak, the Commission determined that the same factual circumstances as in South Texas also appeared to constitute a "significant change" with respect to

---

<sup>7/</sup> Special Prehearing Conference Order (July 13, 1978); Order Granting Intervention of Public Utilities Board of City of Brownsville (September 18, 1978).

Comanche Peak such that the Attorney General's advice should be obtained in accordance with the Act. The Commission expressed no view on the Staff's and Comanche Peak applicants' suggestion that consolidation of the South Texas and Comanche Peak proceedings might be appropriate, but left that decision to the Licensing Board, with directions to take into account whether consolidation would materially delay the South Texas proceeding.<sup>8/</sup>

The Attorney General's advice was sought pursuant to Section 105(c); his recommendation was that an antitrust operating license hearing should be held in connection with the Comanche Peak application.<sup>9/</sup> In response to a Federal Register notice<sup>10/</sup> giving interested persons the opportunity to intervene, a number of petitions were filed and ultimately the Licensing Board admitted the State of Texas as an "interested state" pursuant to 10 CFR 2.715, and granted the petitions to intervene of Central and Southwest Corporation ("CSW"), the holding company of which Central Power & Light Company ("CPL") is a subsidiary, and of Tex-La Electric Cooperative of Texas, Inc. ("Tex-La").<sup>11/</sup>

---

<sup>8/</sup> CLI-78-13, 7 NRC 950, 951 (1978).

<sup>9/</sup> Letter from John Shenefield to Howard K. Shapar, dated August 1, 1978.

<sup>10/</sup> 43 Fed. Reg. 34850 (August 7, 1978).

<sup>11/</sup> Order Granting Intervention Petitions and Notice of Special Prehearing Conference (October 19, 1978).



3. The Consolidated Proceeding

Initially, the Licensing Board consolidated the two proceedings for discovery purposes and left open the question of consolidation in the event of a hearing.<sup>12/</sup> Subsequently, on April 10, 1980, the Board issued an order in which it consolidated the two proceedings for hearing.<sup>13/</sup>

On September 14, 1980, the NRC Staff advised the Licensing Board that the Department of Justice and the Staff had reached a settlement with the Applicants in the consolidated proceeding which was embodied in a proposed set of license conditions for each license submitted to the Board.<sup>14/</sup> All of the parties to the Comanche Peak proceeding and, with the exception of Brownsville, all of the parties to the South Texas proceeding supported the license conditions.

Brownsville also filed a "Motion...for Disapproval of Proposed License Conditions" (September 25, 1980) and TUGCO a responsive "Motion...to Strike References to Comanche Peak in Brownsville's September 25, 1980 Motion" (October 6, 1980). The Licensing Board denied Brownsville's Motion on the ground that it had called for "comments" on

---

<sup>12/</sup> Prehearing Conference Order Regarding Issues, Discovery and Consolidation (December 5, 1978).

<sup>13/</sup> Order Extending Procedural Dates and Directing Consolidation (April 10, 1980).

<sup>14/</sup> NRC Staff's Fourth Status Report on Settlement (September 14, 1980).

the proposed license conditions, not for any motions.<sup>15/</sup> As to TUGCO's motion to strike, the Board orally stated at a prehearing conference that "...you can assume that we are going to probably grant it...",<sup>16/</sup> but has never entered an order to that effect.

Although denying Brownsville's motion for disapproval, the Board did not reject Brownsville's comments included in its motion. To bring the issues into focus, the Board did, however, direct Brownsville to file its objections to the proposed license conditions. The Board further concluded that if it were determined that an evidentiary hearing was required, based upon a consideration of objections to the proposed license conditions, it would then be necessary to frame appropriate issues for hearing.<sup>17/</sup>

Pursuant to the Board's direction, Brownsville filed its "Comments...Opposing Proposed Settlement License Conditions" (November 12, 1980) and the proponents of the settlement filed responsive comments. The "NRC Staff Comments On and Motion for Approval of Settlement License Conditions" (December 3, 1980, hereinafter, "NRC Staff's Comments and Motion") contained a section which explained at some length the benefits provided by the settlement conditions.

Subsequently, Brownsville announced that it had reached a settlement with CSW. Consequently, its objections to the proposed settlement

---

<sup>15/</sup> Tr. 1144-45 (October 24, 1980).

<sup>16/</sup> Tr. 1259 (October 24, 1980).

<sup>17/</sup> Order Denying HL&P's Motion for Clarification of October 24, 1980 Order (November 10, 1980).

license conditions have been modified; those modifications were furnished to the Board as a part of the "Supplemental Brownsville Status Report of March 1981."<sup>18/</sup>

4. FERC Proceeding

In a closely related proceeding before the Federal Energy Regulatory Commission ("FERC") upon CSW's application for an order directing interconnection between the Southwest Power Pool and the Electric Reliability Council of Texas, FERC has now entered an "Order Requiring Interconnection and Wheeling and Approving Settlement".<sup>19/</sup> The NRC Staff informed the Board of the FERC's action by letter of November 17, 1981, forwarding the FERC's Order.

III. IDENTIFICATION OF ISSUES TO BE RESOLVED  
AND RECOMMENDED RESOLUTION

The Administrative Law Judge has asked the parties to identify the issues to be resolved. At this point in the proceeding Staff believes there are three interrelated issues requiring resolution: (1) whether the proposed settlement license conditions should be approved, (2) what procedures should be established to determine whether a hearing need be held on Brownsville's assertions that issuance of the South Texas operating licenses subject to the settlement conditions will create or maintain a situation inconsistent with the antitrust laws or the policies

---

<sup>18/</sup> Filed March 18, 1981.

<sup>19/</sup> Docket No. EL. 79-8, Order dated October 28, 1981.



thereunder, and (3) whether the Comanche Peak proceeding should be terminated.

This is not the first case in which the Commission or an Atomic Safety and Licensing Board (now an Administrative Law Judge in this proceeding) has been called upon to approve license conditions proposed in settlement of an NRC antitrust proceeding. Approval of settlement conditions has been requested in some cases by all parties to a proceeding,<sup>20/</sup> while in other cases the settlement was contested.<sup>21/</sup> The basic test applied in cases involving contested settlements has been (1) whether the conditions are in the public interest and (2) whether immediate attachment of the conditions would prejudice any party, pending a hearing which the non-settling party could invoke on whether issuance of the license(s) subject to the conditions would create or maintain a situation inconsistent with the antitrust laws or the policies thereunder.<sup>22/</sup> Under NRC practice, however, where the parties to a discretionary proceeding have settled their differences and any intervenors have agreed to withdraw, the proceeding should be dismissed

---

<sup>20/</sup> E.g., Florida Power & Light Co. (St. Lucie Plant, Unit No. 2), "Memorandum and Order (Concerning Motions to Dismiss, Terminate and Vacate)", (March 24, 1982) slip op.; Georgia Power Co. (Vogtle Nuclear Plant, Units 1-4), CLI-74-25, 7 AEC 955 (1974); Kansas Gas and Electric Co. (Wolf Creek Generating Station), LBP-76-29, 4 NRC 62 (1976).

<sup>21/</sup> E.g., Louisiana Power & Light Co. (Waterford Steam Generating Station, Unit No. 3), LBP-74-78, 8 AEC 718 (1974); Duke Power Co. (Catawba Nuclear Station, Units 1 & 2), LBP-74-47, 7 AEC 1158 (1974); Florida Power & Light Co. (St. Lucie Plant, Unit No. 2), "Memorandum and Order" (April 24, 1981), unpublished, at 3-6, 12.

<sup>22/</sup> See cases cited in footnote 21, supra.

without the need for any inquiry into the settlement.<sup>23/</sup> An antitrust proceeding under § 105(c) of the Act is such a discretionary proceeding (it is held only if the Attorney General so recommends or an interested party requests a hearing and files an adequate petition to intervene) and should be dismissed upon this basis when there is a settlement of all parties.<sup>24/</sup> Some antitrust licensing boards have, however, gone further and have made a determination that the settlement conditions were fair and reasonable.<sup>25/</sup>

Comanche Peak falls into the category of uncontested settlements, all of the parties to that proceeding having withdrawn or entered into the settlement.<sup>26/</sup> Thus, the Comanche Peak proceeding should be terminated at this time and the Administrative Law Judge should direct the attachment of the settlement conditions to the Comanche Peak construction permits and to any operating licenses for these units that

---

<sup>23/</sup> Baltimore Gas & Elec. Co. (Calvert Cliffs Nuclear Plant, Units 1 and 2), LBP-73-15, 6 AEC 375, 377 (1973); Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), Order dated November 16, 1973 (unpublished).

<sup>24/</sup> Vogtle, CLI-74-25, 7 AEC 955, supra n.20; Georgia Power Co. (Hatch Nuclear Power Plant, Unit No. 2), LBP-74-52, 8 AEC 107 (1974).

<sup>25/</sup> Wolf Creek, LBP-76-29, 4 NRC 62, supra n.20; St. Lucie, March 24, 1982 Memorandum and Order, supra n.20, slip op. at 3.

<sup>26/</sup> See September 11, 1980 Status Report from Tex-La. Brownsville is not a party to the Comanche Peak proceeding, having never petitioned to intervene therein. See discussion in "Motion of Texas Utilities Generating Company to Strike References to Comanche Peak in Brownsville's September 25, 1980, Motion" (October 6, 1980), particularly at 2-3.

may be issued.<sup>27/</sup> To the extent the Administrative Law Judge believes he must make a determination of the fairness and reasonableness of the settlement conditions, Staff believes that the analysis of the license conditions presented in "NRC Staff's Comments and Motion" (at 8-38) provides ample support for such a determination. The Board's consolidation of the Comanche Peak proceeding<sup>28/</sup> with the South Texas proceeding should also be vacated as no longer being "conducive to the proper dispatch of [the Commission's] business and to the ends of justice."<sup>29/</sup>

In determining in a contested proceeding whether to approve proposed license conditions, it is appropriate for a licensing board or Administrative Law Judge to inquire into whether implementation of those conditions will, on their face, create or maintain a situation inconsistent with the antitrust laws or policies.<sup>30/</sup> This is to be carefully distinguished, however, from the finding under Section

---

<sup>27/</sup> Although these proceedings are in connection with the issuance of operating licenses, until such time as the operating licenses issue the settlement conditions should be attached to the existing construction permits for the South Texas and Comanche Peak units in order to give present effect to the benefits and obligations which result from the license conditions. Indeed, although the conditions have not yet been acted upon by the Administrative Law Judge, TUGCO HLP and CPL did comply with Comanche Peak proposed condition 3.D(2)(0) and South Texas proposed condition I.B(10) by using their best efforts to secure (successfully) approval of the settlement in FERC Docket No. EL 79-8.

<sup>28/</sup> Order Extending Procedural Dates, and Directing Consolidation (April 10, 1980).

<sup>29/</sup> 10 C.F.R. § 2.716.

<sup>30/</sup> St. Lucie, April 24, 1981 "Memorandum and Order," supra. n.21, slip op. at 5.

105(c)(5) of the Atomic Energy Act<sup>31/</sup> "as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a," a finding which cannot be reached without an evidentiary hearing.

In the South Texas proceeding, the settlement appears still to be contested based upon Brownsville's most recent filing with the Board, but the precise issues upon which Brownsville now wishes to have a hearing have become even less clear than they were previously. In its "Supplemental Status Report" Brownsville advised the Licensing Board (at 2-3) that it had reached a comprehensive settlement with CSW and its subsidiaries that provided, in part that

Brownsville . . . will not, in these proceedings, seek any relief against CSW or any CSW company other than as provided in the proposed settlement license conditions, and that, in addition, Brownsville's opposition to the proposed settlement license conditions shall be restricted to contesting a) matters related to proposed wheeling rates, terms and conditions, and b) matters related to the proposed asserted rights of any utility not to remain interconnected with, or to disconnect from, other utilities.

Although Brownsville attached to its "Supplemental Status Report" an Exhibit A, which purports to advise the Board and parties of those objections set forth in its "Comments" on the proposed license conditions which it continues to assert, the deletion of substantial portions of the "Comments" leaves the remaining objections in a confused state. Additionally, the Staff believes that Brownsville's settlement with CSW,

---

<sup>31/</sup> 42 USC § 2135(c)(5).

the parent of the sole Applicant with which Brownsville is interconnected and the present supplier of virtually all of its purchased bulk power, places a renewed burden on Brownsville to explain in what precise way it would be prejudiced by approval and attachment of the settlement conditions to the South Texas construction permits.

The Staff's analysis of the settlement conditions<sup>32/</sup> demonstrates how those conditions constitute a fair and reasonable settlement within the public interest. The Staff shows there how the conditions promote competition in the relevant areas and encourage coordination and transactions among utilities. The Staff believes its analysis also demonstrates that Brownsville had failed to establish, even before its settlement with the CSW companies, how it would be prejudiced by approval and attachment of the license conditions. On the basis of that analysis and unless Brownsville is able to demonstrate prejudice from the license conditions in view of its settlement, the Staff believes that the Administrative Law Judge should find that the settlement conditions are in the public interest and not prejudicial to any party and should, therefore, approve them and direct their attachment to the South Texas construction permits and to any operating licenses that may be issued.

As a non-settling Intervenor in the South Texas proceeding, Brownsville is entitled to a hearing on its remaining objections to the proposed license conditions provided it sets forth with specificity:

(a) a situation inconsistent with the antitrust laws or the policies

---

<sup>32/</sup> "NRC Staff's Comments and Motion," at 8-38.



underlying those laws and (b) a "meaningful nexus between the activities under the nuclear license and the situations alleged to be inconsistent with the antitrust laws."<sup>33/</sup> Now that Brownsville has settled with CSW, its allegations of anticompetitive behavior appear to be limited to HLP, but what precise objections remain is unclear. Additionally, it has been over a year since Brownsville's last status report and in the interim FERC has approved the settlement in the DC interconnection proceeding (to which Brownsville was party, but did not object to the offer of settlement). Under these circumstances, the Staff proposes that Brownsville be required to state at the conference of counsel its present posture in the South Texas proceeding and, as necessary, to file a pleading identifying with specificity any continuing objections to the attachment of the settlement conditions to the South Texas construction permits and the issuance of the South Texas operating licenses with those conditions. Any such oral statement and filing should address the factors specified by the Commission in Waterford, supra.

#### iv. CONCLUSION

For the reasons set forth in these Staff comments, the Administrative Law Judge should enter an order:

1. vacating the consolidation of the Comanche Peak and South Texas proceedings, approving the settlement license conditions in the Comanche

---

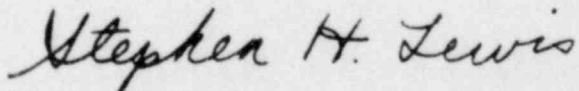
<sup>33/</sup> Louisiana Power and Light Co. (Waterford Steam Electric Generating Station, Unit 3), CLI-73-7, 6 AEC 48, 49 (1973) and CLI-73-25, 6 AEC 619, 620-21 (1973).

Peak proceeding and directing the Director of the Office of Nuclear Reactor Regulation to attach those conditions to the Comanche Peak construction permits and to any operating licenses that may be issued for those units; and

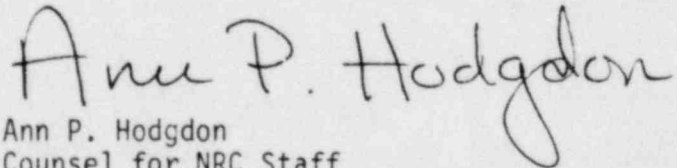
2. approving the settlement license conditions in the South Texas proceeding and directing the Director of the Office of Nuclear Reactor Regulation to attach those conditions to the South Texas construction permits and to any operating licenses that may be issued for those units;

Additionally, following the conference of counsel and based upon Brownsville's statement of its posture in the South Texas proceeding, the Administrative Law Judge should either terminate the South Texas proceeding or direct Brownsville to file a pleading identifying with specificity any continuing objections it may have to the attachment of the settlement conditions to the South Texas construction permits and the issuance of the South Texas operating licenses subject to those conditions.

Respectfully submitted,



Stephen H. Lewis  
Counsel for NRC Staff



Ann P. Hodgdon  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 6th of April, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before James A. Laurenson  
Administrative Law Judge

In the Matter of )

HOUSTON LIGHTING & POWER COMPANY, )  
et al. )  
(South Texas Project, Units 1 and 2) )

Docket No. 50-498A  
50-499A

TEXAS UTILITIES GENERATING COMPANY, )  
et al. )  
(Comanche Peak Steam Electric )  
Station, Units 1 and 2) )

Docket No. 50-445A  
50-446A

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S STATEMENT PURSUANT TO NOTICE OF MARCH 22, 1982" in the above-captioned proceeding have been served on the following by deposit in the United States mail first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of April, 1982:

James A. Laurenson  
Administrative Law Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Atomic Safety and Licensing Appeal  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Nancy H. McMillen, Esq.  
P. O. Box 14141  
Washington, D.C. 20044

Mr. William C. Price  
Central Power & Light Co.  
P. O. Box 2121  
Corpus Christi, Texas 78403

G. W. Oprea, Jr.  
Executive Vice President  
Houston Lighting & Power Co.  
P. O. Box 1700  
Houston, Texas 77001

Robert E. Bathen  
R. W. Beck & Associates  
P. O. Box 6817  
Orlando, Florida 32803

R. Gordon Gooch, Esq.  
John P. Mathis, Esq.  
Steven R. Hunsicker, Esq.  
Baker & Botts  
Suite 300  
1701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

J.K. Spruce, General Manager  
City Public Service Board  
P.O. Box 1771  
San Antonio, Texas 78296

Robert C. McDiarmid, Esq.  
Robert A. Jablon, Esq.  
George Spiegel, Esq.  
David A. Giacalone, Esq.  
Marc R. Poirier, Esq.  
Alan J. Roth, Esq.  
Spiegel & McDiarmid  
2600 Virginia Avenue, N.W.  
Washington, D.C. 20037

Jon C. Wood, Esq.  
W. Roger Wilson, Esq.  
Matthews, Nowlin, Macfarlane  
& Barrett  
1500 Alamo National Building  
San Antonio, Texas 78205

Mr. W.N. Woolsey  
Kleberg, Dyer, Redford & Weil  
1030 Petroleum Tower  
Corpus Christi, Texas 78474

Dick Terrell Brown, Esq.  
800 Milam Building  
San Antonio, Texas 78205

E. William Barnett, Esq.  
Charles G. Thrash, Jr., Esq.  
Melbert D. Schwarz, Esq.  
Theodore F. Weiss, Esq.  
J. Gregory Copeland, Esq.  
Baker & Botts  
3000 One Shell Plaza  
Houston, Texas 77002

Argil L. Toalston, Acting Chief  
AEAB/NRR  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Robert Lowenstein, Esq.  
J.A. Bouknight, Esq.  
William J. Franklin, Esq.  
Peter G. Flynn, Esq.  
Douglas G. Green, Esq.  
Lowenstein, Newman, Reis, Axelrad  
& Toll  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Jerry L. Harris  
Richard C. Balough  
Dan H. Davidson, City Manager  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Jay Galt, Esq.  
Jack P. Fite, Esq.  
Looney, Nichols, Johnson & Hayes  
219 Couch Drive  
Oklahoma City, Oklahoma 73102

Merlyn D. Sampels, Esq.  
Jos. Irion Worsham, Esq.  
Spencer C. Relyea, Esq.  
Robert A. Wooldridge, Esq.  
2001 Bryan Tower, Suite 2500  
Dallas, Texas 75201

Morgan Hunter, Esq.  
McGinnis, Lochridge & Kilgore  
Fifth Floor, Texas State Bank Building  
900 Congress Avenue  
Austin, Texas 78701

Joseph B. Knotts, Esq.  
Nicholas S. Reynolds, Esq.  
C. Dennis Ahearn, Esq.  
Leonard W. Belter, Esq.  
Debevoise & Liberman  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036

Douglas F. John, Esq.  
McDermott, Will and Emery  
1850 K Street, N.W.  
Suite 1201  
Washington, D.C. 20006

Don R. Butler, Esq.  
1225 South West Towers  
Austin, Texas 78701

John W. Davidson, Esq.  
Sawtelle, Goode, Davidson & Troilo  
1100 San Antonio Savings Building  
San Antonio, Texas 78205

Linda Aaker  
Attorney General's Office  
State of Texas  
P.O. Box 12548  
Austin, Texas 78711

James E. Monahan  
Executive Vice President and  
General Manager  
Brazos Electric Power Cooperative,  
Inc.  
P.O. Box 6296  
Waco, Texas 76706

Frederick H. Ritts, Esq.  
William H. Burchette, Esq.  
Law Offices of Northcutt Ely  
Watergate 600 Building  
Washington, D.C. 20037

Michael I. Miller, Esq.  
James A. Carney, Esq.  
Sarah N. Welling, Esq.  
Isham, Lincoln & Beale  
4200 One First National Plaza  
Chicago, Illinois 60603

David M. Stahl, Esq.  
Isham, Lincoln & Beale  
Suite 325  
1120 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Maynard Human, General Manager  
Western Farmers Electric Cooperative  
P.O. Box 429  
Anadarko, Oklahoma 73005

Donald M. Clements, Esq.  
Gulf States Utilities Company  
P.O. Box 2951  
Beaumont, Texas 77704

Robert M. Rader, Esq.  
Conner, Moore & Corber  
1747 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Mr. G. Holman King  
West Texas Utilities Co.  
P.O. Box 841  
Abilene, Texas 79604

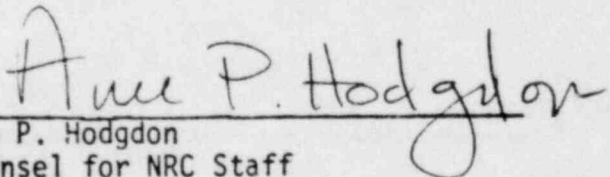
Robert A. O'Neil, Esq.  
Miller, Balis & O'Neil, P.C.  
776 Executive Building  
1030 Fifteenth Street, N.W.  
Washington, D.C. 20005

Leon J. Barish  
Assistant Attorney General  
P.O. Box 12548  
Austin, Texas 78711

Peter Thornton, Esq.  
Isham, Lincoln & Beale  
4200 One First National Plaza  
Chicago, Illinois 60603

Somervell County Public Library  
P.O. Box 417  
Glen Rose, Texas 76043

R.L. Hancock, Director  
City of Austin Electric Utility  
P. O. Box 1088  
Austin, Texas 78767

  
Ann P. Hodgdon  
Counsel for NRC Staff