

MEMORANDUM FOR:       The Chairman  
                          Commissioner Rogers  
                          Commissioner Curtiss  
                          Commissioner Remick

FROM:                    Samuel J. Chilk, Secretary

SUBJECT:                SECY-91-246 - ANTITRUST CONSIDERATIONS FOR  
                          LICENSE AMENDMENTS AUTHORIZING NEW OPERATING  
                          ENTITIES (COMJC-91-002)

At the request of Commissioner Rogers we have converted  
SECY-91-246 from a negative consent paper to notation vote.  
Notation vote sheets are attached for your use. Please reply to  
SECY by COB Monday, August 26, 1991.

Attachments:  
As stated

cc:   EDO  
      OGC

September 9, 1991

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-91-246 - ANTITRUST CONSIDERATIONS FOR  
LICENSE AMENDMENTS AUTHORIZING NEW OPERATING  
ENTITIES (COMJC-91-002)

The Commission (with all Commissioners agreeing) has approved the publication of the proposed Federal Register notice regarding the Farley Nuclear Plant (FNP) license amendment to add Southern Nuclear to the FNP license, but with deletion of any reference to any opportunity for public comment on the antitrust determination or on antitrust matters.

(EDO) (SECY Suspense: 10/25/91)

In general, the Commission has approved the staff's proposal to include license conditions that limit a non-owner operator's ability to affect the marketing or brokering of power. The Commission disapproved the staff's proposal to provide an opportunity for comment on antitrust considerations in the Federal Register notice for such license amendments.

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
OGC  
OIG

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SECY NOTE: THIS SRM, SECY-91-246 AND THE VOTE SHEETS OF  
COMMISSIONERS ROGERS, CURTISS AND REMICK WILL BE  
MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE

DATE OF THIS SRM