

April 20, 2006

Ms. Donna Kooperstein
Chief, Transportation, Energy and Agriculture Section
Antitrust Division
Department of Justice
325 7th Street N.W., Suite 500
Washington, DC 20530

SUBJECT: DIABLO CANYON POWER PLANT, UNITS 1 AND 2 - CONSIDERATION OF
AMENDMENTS REGARDING ANTITRUST LICENSE CONDITIONS (TAC NOS.
MC9673 AND MC9674)

Dear Ms. Kooperstein:

The Nuclear Regulatory Commission is considering issuing amendments to the Facility Operating Licenses, Nos. DPR-80 and DPR-82, for the Diablo Canyon Power Plant, Units 1 and 2 (DCPP). The amendments would delete the antitrust conditions from the operating licenses.

It is my understanding that your section was involved in the development of the antitrust conditions imposed on Pacific Gas and Electric Company (PG&E), the licensee for DCPP, when the operating licenses for DCPP were issued. Because of that, I am requesting your comments on the proposed deletion of these conditions. A copy of the application for license amendments dated January 19, 2006 (Agencywide Documents Access and Management System Accession No. ML060300299) (identifying the changes and the justification for each change), provided by PG&E is enclosed.

A notice of the application was published in the *Federal Register* on April 14, 2006 (71 FR 19551). Your comments would be appreciated within 60 days from the date of publication of the notice. If you have any questions, please contact me at (301) 415-1445 or Susan Uttal of the Office of General Counsel at (301) 415-1582.

Sincerely,

/RA/

Alan B. Wang, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

Enclosure: Letter dated January 19, 2006, from PG&E

cc w/encl: See next page

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OFFICIAL RECORD COPY

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March 2006