Distribution:
Docket Files
SAB RF
SAB SUBJ
JPKnight
DPCleary
AToalston
WLambe
BHVogler, ELD
MHaughey, LPM
TERA
LPDR
NRC PDR
NSIC

March 4, 1985

Mr. B. G. Hooten, Executive Director,
Nuclear Operations
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, New York 13202

RE: Docket No. 50-410, Nine Mile Point 2; Updated Antitrust Information Responsive to Regulatory Guide 9.3

Dear Mr. Hooten:

The Commission's Regulatory Guide 9.3 (copy attached) seeks to obtain data from prospective operating license applicants that address changes which have occurred since the initial antitrust review at the construction permit stage.

In light of the fact that the last antitrust data submittal from Niagara Mohawk was over two years ago (February 14, 1983), staff would appreciate it if Niagara Mohawk would supply updated information for all applicant systems pursuant to changed activity since February 14, 1983. Current data are essential to staff's operating license antitrust analysis and determination as to whether any significant changes have occurred subsequent to the previous antitrust construction permit review for Nine Mile Point 2.

Please provide this information within 30 days of the date of this letter. If you have any questions regarding this request, contact Mr. William Lambe of my staff at 301-492-8048. Thank you for your prompt attention to this matter.

Sincerely,

Original Signed by
Donald P. Cleary

Donald P. Cleary, Acting Chief
Site Analysis Branch
Division of Engineering
Office of Nuclear Reactor Regulation

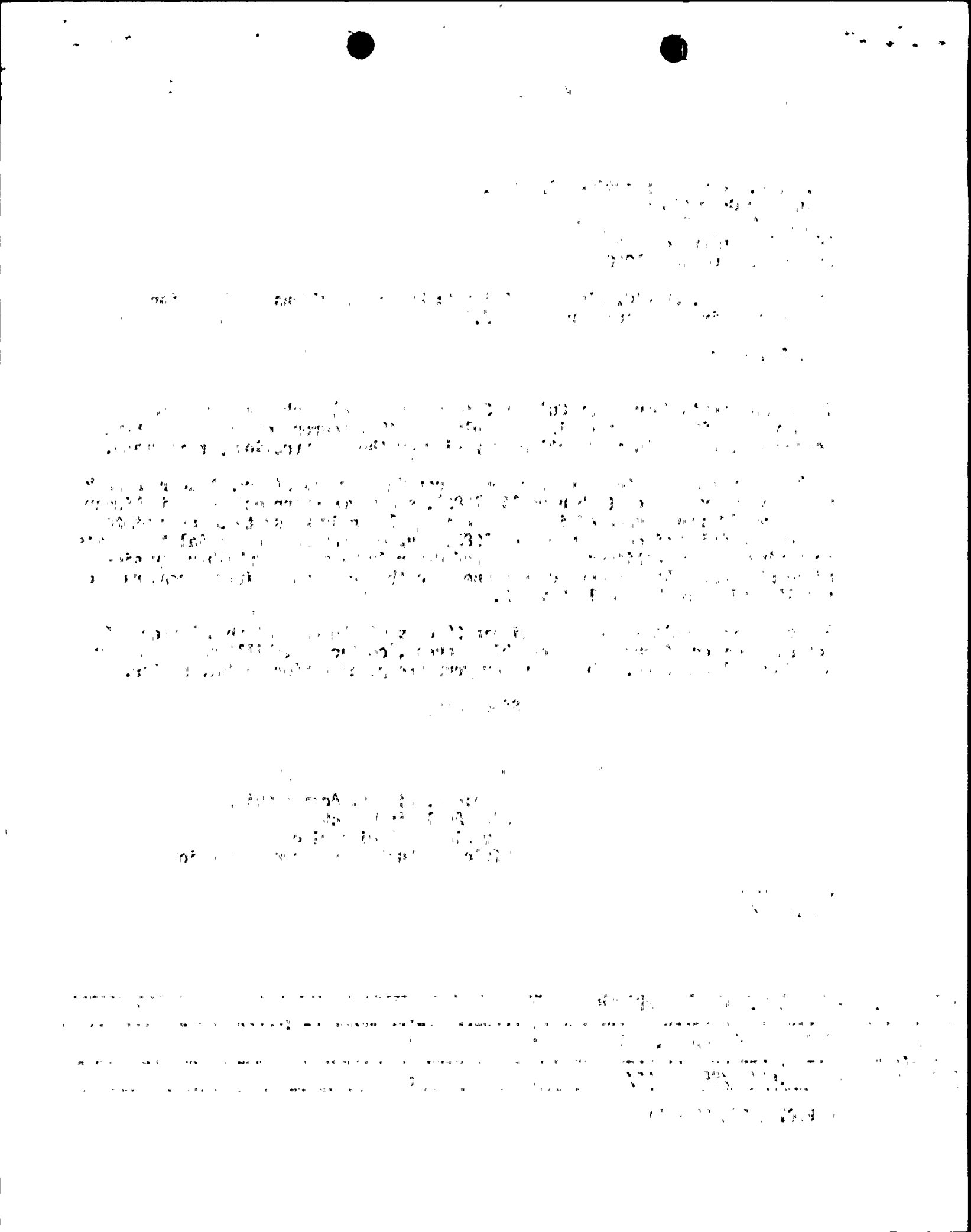
Enclosure:
As stated

WL

OFC	:DE:SAB	:DE:SAB	:DE:SAB	:	:	:	:
NAME	:WLAMBE:jmdc	:AToalston	:DPCleary	:	:	:	:
DATE	:03/4/85	:03/4/85	:03/4/85	:	:	:	:

OFFICIAL RECORD COPY

8503180001 850304
PDR ADOCK 05000410
M PDR



U.S. ATOMIC ENERGY COMMISSION

REGULATORY GUIDE

DIRECTORATE OF REGULATORY STANDARDS

October 1974

REGULATORY GUIDE 9.3

INFORMATION NEEDED BY THE AEC REGULATORY STAFF IN CONNECTION WITH ITS ANTITRUST REVIEW OF OPERATING LICENSE APPLICATIONS FOR NUCLEAR POWER PLANTS

A. INTRODUCTION

As required by the December 19, 1970, amendments to the Atomic Energy Act of 1954, the Atomic Energy Commission conducts antitrust reviews with respect to construction permits and operating licenses it issues for commercial nuclear facilities. The Commission must under certain circumstances, make a finding as to whether the activities under the permit or license would create or maintain a situation inconsistent with the antitrust laws. An antitrust review at the operating license stage is not required unless the AEC determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous antitrust review conducted by the Attorney General and the Commission at the construction permit stage. This regulatory guide identifies the type of information that the Regulatory staff considers germane for a decision as to whether a second antitrust review is required at the operating license stage.

B. INFORMATION NEEDED BY THE AEC REGULATORY STAFF IN CONNECTION WITH ITS ANTITRUST REVIEW OF OPERATING LICENSE APPLICATIONS FOR NUCLEAR POWER PLANTS

1. To assist the regulatory staff in its review, an applicant for a license to operate a commercial nuclear power plant should consider the following items and any related changes that have occurred or are planned to occur since submission of the construction permit application:

   a. Anticipated excess or shortage in generating capacity resources not expected at the construction permit stage. Reasons for the excess or shortage along with data on how the excess will be allocated, distributed, or otherwise utilized or how the shortage will be obtained.

   b. New power pools or coordinating groups or changes in structure, activities, policies, practices, or membership of power pools or coordinating groups in which the licensee was, is, or will be a participant.

   c. Changes in transmission with respect to (1) the nuclear plant, (2) interconnections, or (3) connections to wholesale customers.

   d. Changes in the ownership or contractual allocation of the output of the nuclear facility. Reasons and basis for such changes should be included.

   e. Changes in design, provisions, or conditions of rate schedules and reasons for such changes. Rate increases or decreases are not necessary.

   f. List of all (1) new wholesale customers, (2) transfers from one rate schedule to another, including copies of schedules not previously furnished, (3) changes in licensee's service area, and (4) licensee's acquisitions or mergers.

USAEC REGULATORY GUIDES

Regulatory Guides are issued to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations, to delineate techniques used by the staff in evaluating specific problems or postulated accidents, or to provide guidance to applicants. Regulatory Guides are not substitutes for regulations and compliance with them is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Published guides will be revised periodically, as appropriate, to accommodate comments and to reflect new information or experience.

Copies of published guides may be obtained by request indicating the divisions desired to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards. Comments and suggestions for improvements in these guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

The guides are issued in the following ten broad divisions:

1. Power Reactors
2. Research and Test Reactors
3. Fuels and Materials Facilities
4. Environmental and Siting
5. Materials and Plant Protection
6. Products
7. Transportation
8. Occupational Health
9. Antitrust Review
10. General

g. List of those generating capacity additions committed for operation after the nuclear facility, including ownership rights or power output allocations.

h. Summary of requests or indications of interest by other electric power wholesale or retail distributors, and licensee's response, for any type of electric service or cooperative venture or study.

2. Licensees whose construction permits include conditions pertaining to antitrust aspects should list and discuss those actions or policies which have been implemented in accordance with such conditions.

3. Five copies of a separate document entitled "Information for Antitrust Review of Operating License Application" and containing the above requested information should be submitted when the operating license application documents are submitted or as soon thereafter as possible.