



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 15 1979

The Honorable Gary Hart, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee on Nuclear Regulation is a Notice of Final Rule Making to amend NRC regulations which changes the requirements for submission of antitrust information in certain instances and which clarifies Parts 2 and 50 as to requirements for antitrust review of applications for licenses for class 103 facilities (commercial facilities) other than power reactors.

The amended rule provides that applicants for licenses for nuclear power reactors whose total electric generating capacity at time of application is 200 MW(e) or less would be exempt from providing any antitrust information as stipulated in Appendix L, Part 50 of Title 10 of the Code of Federal Regulations, except in those instances in which the Commission would specifically request the information. The Commission notes that the 200 MW(e) generating capacity limit currently includes approximately the 200 largest utilities in the United States. The Commission believes that utilities smaller than these are so small as to have negligible effects on competition except under extraordinary circumstances.

Applicants whose total electrical generating capacity at time of application is more than 200 MW(e) but no more than 1400 MW(e) would be required only to provide information in response to question 9 of Appendix L of Part 50, which relates to non-affiliated electric utility systems in areas adjacent to the applicant's. The Commission could request such applicants to furnish additional information if it were deemed advisable. The Commission notes that the 1400 MW(e) ownership limit currently includes approximately the 100 largest utilities in the United States.

These proposed changes would reduce the burden of preparing antitrust-related data on small or "de minimis" applicants while at the same time

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maintaining an adequate standard of antitrust review. The Antitrust Division of the Department of Justice has concurred in the Commission's proposed action.

The Commission also proposes to clarify Parts 2 and 50 as to the requirement for antitrust review of applications for licenses for class 103 (commercial) facilities other than power reactors. The proposed amendments will provide that the antitrust review associated with construction permit applications for uranium enrichment facilities and fuel reprocessing plants may also call for submission of information by applicants.

Sincerely,

Original signed by
E. G. Case



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Notice of Final Rule

cc: Sen. Alan Simpson

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