

total generation of electric power in the United States. ^{2/}

During this period, seventeen Department of Justice advice letters were issued in which antitrust hearings were recommended, twenty-four advice letters were issued in which no hearings were recommended because of the imposition of certain license conditions, and forty-eight advice letters were issued in which no hearings and no license conditions were found to be necessary. To date, thirty-four NRC (or AEC) licenses have issued which have included various anti-trust conditions. ^{3/} Of these thirty-four licenses, twenty-nine were issued to electric utilities which are among the largest one hundred in the United States.

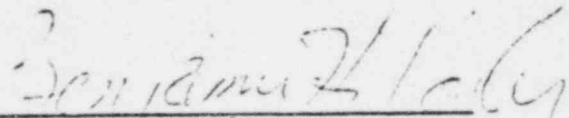
A cursory view of the facts, as presented above, makes it clear that a large portion of the major electric utilities in the United States are familiar not only with the nature, scope and standards of antitrust review under the Atomic Energy Act, but also with the nature of NRC antitrust license conditions. Accordingly, the Staff believes

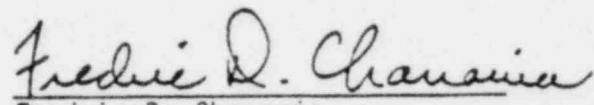
^{2/} Peak load figures were taken from Electrical World, "Annual Statistical Report," Vol. 185, No. 6 (March 15, 1976). While some upward growth of these figures has occurred, they still provide a useful comparative figure.

^{3/} These figures represent the latest compilation by the NRC Staff. Some figures depend, in a minor fashion, on characterization of the status of certain applications at this time. For example, the potential license conditions which are found in the Farley and Perry, Davis-Besse proceedings have not been included in the 34 licenses with antitrust conditions, since both are on appeal to the Appeal Board.

that the Commission, in reaching its decision on whether to defer review of ALAB-452, should not consider the unsupported statements of Consumers regarding the alleged adverse impacts of deferral on the electric utility industry.

Respectfully submitted,


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Fredric D. Chanania
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 3rd day of February 1978.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
CONSUMERS POWER COMPANY) NRC Docket Nos. 50-329A
(Midland Plant, Units 1 and 2)) 50-330A

CERTIFICATE OF SERVICE

I hereby certify that copies of STAFF'S REPLY TO COMMENTS OF CONSUMERS POWER COMPANY IN RESPONSE TO COMMISSION ORDER OF JANUARY 13, 1978, in the above captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 3rd day of February 1978.

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