



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

February 12, 1981



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Watergate 600 Building
Washington, D.C. 20037

Re: Texas Utilities Generating Company, et al
Comanche Peak Steam Electric Station,
Unit Nos. 1 & 2, NRC Dkt. Nos. 50-445A
and 50-446A

Dear Bill:

In response to your inquiry about the upcoming antitrust review associated with the purchase by Tex-La Electric Cooperative of Texas, Inc. of a portion of the Comanche Peak facility, I have several comments which may be of assistance to you. As this is an "initial application" by Tex-La for ownership of a nuclear generating facility, Section 105c requires a prelicensing antitrust review. Accordingly, TU's application for an amendment to add Tex-La as a co-owner and co-licensee must follow the pertinent antitrust review procedures.

As I understand that Tex-La of Texas has less than 200 MW of electrical generating capacity (taking into account the share of Comanche Peak it will acquire), Tex-La qualifies for special treatment under the "de minimis" rule of 10 CFR §§ 2.101(a)(5) and 50.33a(3). As you can see, Tex-La must submit an affidavit setting forth the facts as to the electrical generating capacity of its system [§ 2.101(a)(5)] along with the TU amendment application. Under § 50.33a(3), Tex-La is not required to submit any Appendix L information unless specifically requested to do so by the NRC.

I have enclosed materials which will give you an idea of past treatment of other utilities which qualified for "de minimis" treatment. It appears that the 180-day antitrust review by the Attorney General is not required for such qualifying utilities. Without making any commitments, I do not see, at this point, any reason to believe that Tex-La of Texas will be treated differently.

I trust this information on NRC procedures may be of assistance to you. Best personal regards.

Sincerely,

Fredric D. Chanania
Counsel for NRC Staff

Enclosures

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