

JAN 12 1984

Mr. L. J. Koch, Vice President
Illinois Power Company
500 South 27th Street
Decatur, Illinois 62525

Re: Docket No. 50-461: Clinton Nuclear Station, Unit 1, OL Antitrust Review;
Update of Regulatory Guide 9.3 Responses

Dear Mr. Koch:

As part of the operating license review process, the NRC staff analyzes changes in the applicant's(s) activities that have occurred since the initial antitrust review at the construction permit stage. The initial data submitted on May 23, 1980 (copy attached) by Illinois Power Company, including data submitted as agent for co-applicants Soyland Power Cooperative and Western Illinois Power Cooperative, are approximately four years old. Using these data and data obtained from subsequent follow-up requests in 1981, staff issued a "no significant change" finding in March of 1982, approximately one year prior to the then current fuel load date of January 1983.

In light of the delayed fuel loading of Clinton 1 from January 1983 to January 1986 and due to the fact that Illinois Power's initial response to Regulatory Guide 9.3 (copy attached) is now approximately four years old and will be almost six years old at fuel loading, staff is requesting updated responses for each applicant to question B.1. and all subsections, as well as question B.2 of Regulatory Guide 9.3. Your response should begin where your May 23, 1980 response ended and continue to the present. Pending transactions, agreements, etc. at the time of the initial response should be brought up to date and new developments since the 1980 response should be discussed. In responding, be as specific as possible and elaborate where appropriate. For example: Do not respond to a question concerning requests for power by merely giving a yes or a no response. Elaborate with names, dates and descriptions of the type of power request. Follow this procedure in responding to all questions in Regulatory Guide 9.3. (Do not respond to question "B.3.")

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Mr. L. J. Koch

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Please provide your responses within sixty (60) days of the date of this letter. If you have any questions regarding this request, contact William Lambe of my staff at (301) 492-8048.

Sincerely,

Original signed by W. H. Regan, Jr.

Wm. H. Regan, Jr., Chief
Site Analysis Branch
Office of Nuclear Reactor Regulation

Attachments:

1. May 23, 1980 Data Response
2. Regulatory Guide 9.3

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ILLINOIS POWER COMPANY

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L33-80(05-23)-9

500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525

May 23, 1980

Mr. William M. Zelinsky
Power Supply Analysis Section
Antitrust & Indemnity Group
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

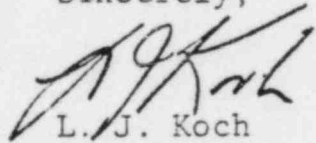
Dear Mr. Zelinsky:

Clinton Power Station Units 1 & 2
Docket Nos. 50-461 and 50-462
Construction Permits No. CPPR-137 & CPPR-138

This is in response to your letter of February 4, requesting information for antitrust review in connection with the operating license application for the Clinton Power Station.

Enclosed are five copies of the document entitled, "Information for Antitrust Review of Operating License Application." The document provides the information identified in Regulatory Guide 9.3. This information is submitted by Illinois Power Company on behalf of itself, and as agent for the co-owners, Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc.

Sincerely,


L. J. Koch
Vice President

GEW/jh

cc: B. C. Buckley, NRC Clinton Project Manager (w/o exhibits)
H. H. Livermore, NRC Clinton Resident Inspector (w/o exhibits)

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Clinton Power Station Units 1 & 2
Docket Nos. 50-461 and 40-462
Construction Permits No. CPPR-137 & CPPR-138

INFORMATION FOR ANTITRUST REVIEW
OF OPERATING LICENSE APPLICATION

Applicants:

Illinois Power Company (IP)
Soyland Power Cooperative, Inc. (Soyland)
Western Illinois Power Cooperative, Inc. (WIPCO)

Date: May 23, 1980

Information for Antitrust Review of Operating License Application
for Clinton Power Station

The information is provided per the items of Regulatory Guide 9.3.

Item No.

B.1.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.

Responses:

IP - Same as reported in Table 1.1-17 of Chapter 1 of the Clinton Power Station Environmental Report-Operating License Stage (Preliminary Review) (i.e., page 1.1-29 of CPS-ER(OLS). Copy is provided herewith as Exhibit IP-1.

Soyland - Soyland has no anticipated excess or shortage in generating capacity resources not expected in the construction stage.

WIPCO - See the attached table dated February 20, 1980 (identified as Exhibit W-1). WIPCO plans to purchase power through its interchange agreements with Illinois Power Company and City Water, Light and Power to cover deficiencies.

The most recent hourly peak load on the WIPCO system was 44.8 and occurred on August 9, 1979, during the hour ending 2:00 P.M., C.D.S.T. During this same time period the thermal generating resources had a dependable capacity of 57.7 Mw. WIPCO has no hydroelectric generating capacity.

B.1.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.

Responses:

IP - Illinois Power Company is a member of the Mid-America Interpool Network (MAIN), a Regional Reliability Coordinating Council. A current list of the new members are as follows:

Municipal Electric Utilities of Wisconsin
Soyland Power Cooperative, Inc.
Western Illinois Power Cooperative, Inc.

Illinois Power Company has entered into agreements with Soyland Power Cooperative, Inc. (Soyland), Western Illinois Power Cooperative, Inc. (WIPCO), Springfield - City Water Light & Power (CWL&P) as listed below:

<u>Company</u>	<u>Type of Agreement</u>	<u>FERC Rate Schedule No.</u>	<u>Ill. Commerce Comm. Docket No.</u>
Soyland	Interconnection Agreement	76	78-0101
Soyland	Facility Use Agreement	77	78-0101
WIPCO	Interconnection Agreement	68	60111
WIPCO	Facility Use Agreement	78	78-0101
CWL&P	Interconnection Agreement	65	59950 & 79-0303

Soyland - Soyland is an associate member of MAIN.

WIPCO - WIPCO is an associate member of MAIN. On August 11, 1978, WIPCO energized a 138 Kv tie line with Illinois Power Company connecting WIPCO's generating system with that of IP's. At that time WIPCO became a member of the North American Power Systems Interconnection Committee (NAPSIC), North Central Systems (NCS). This organization of utilities gathers data on system operations such as frequency, bias settings, monthly transactions between utilities, etc. to ensure operation within accepted guidelines.

Effective January 1, 1980, NAPSIC was merged with the National Electric Reliability Council (NERC). The NCS was divided into two regions similar to the MAIN and MARCA Regions of NERC for the purposes of coordinating forecasts and reporting.

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

Responses:

IP - (1) None

(2) (a) 138 KV line was energized August 11, 1978, which connected Western Illinois Power Cooperative to the Illinois Power Company 138 KV transmission system and is covered under interconnection agreement as listed in (B.1.b) above.

(b) A 138 KV line was energized 5/31/79 which connected City Water Light & Power of Springfield, Illinois to the Illinois Power Company 138 KV transmission system and is covered under interconnection agreement as listed in (B.1.b) above.

(3) See B.1.f below.

Soyland - (1) None
(2) None
(3) None

WIPCO - (1) None
(2) WIPCO's 138 Kv tie line with IP was energized August 11, 1978.
(3) None

B.1.d - Changes in ownership or contractual allocation of the output of the nuclear facility. Reasons and basis for such changes should be included.

Responses:

IP - No change from "Application for Amendment to Construction Permit No. CPPR-137, Clinton Power Station, Unit 1, Docket No. 50-461" dated 1/31/78.

Soyland - None

WIPCO - None

B.1.e - Changes in design, provisions or conditions of rate schedules and reasons for such changes. Rate increases or decreases are not necessary.

Responses:

IP - Illinois Power Company modified its electric rate structure to incorporate seasonal rate designs in its retail rate increase request submitted to the Illinois Commerce Commission (ICC) on July 23, 1976. The major purpose of this change was to provide incentives to customers to shift electric load requirements away from the peak periods occurring during the summer months. These design changes were approved by the ICC in Docket 76-0435 on June 15, 1977. These rate designs continued through the most recent rate increase approved by the ICC on November 28, 1979, in Docket 79-0071. A copy of these two referenced ICC Orders and IPC's presently effective Schedule of Rates for Electric Service (Ill. C. C. No. 23) are attached as Exhibits IP-2, IP-3 and IP-4.

Soyland - None

WIPCO - None

B.1.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 acquisition or mergers.

Responses:

IP - (1) IP initiated electric service to the following customers on a wholesale partial requirements basis effective May 1, 1979. Prior to this time, these customers were provided certain electric services under the provisions of Interconnection Agreements and were therefore treated as interconnected systems.

- a. Cities of Breese and Carlyle, Illinois
- b. Village of Freeburg, Illinois
- c. City of Highland, Illinois
- d. City of Mascoutah, Illinois
- e. City of Peru, Illinois
- f. City of Princeton, Illinois

A copy of the Agreement for Purchase of Power under which the above listed customers are presently served is attached as Exhibit IP-5. The City of Waterloo, Illinois commenced partial requirements service from IPC on July 23, 1979, pursuant to the terms of the Agreement for Purchase of Power.

- (2) This response is included with the response to item B.1.f(1).
- (3) IP has had no changes in its service area since the submission of the construction permit application.
- (4) IP has had no acquisitions or mergers since the submission of the construction permit application.

Soyland - None

WIPCO - None

B.1.g - List of those generating capacity additions committed for operation after the nuclear facility, including ownership rights or power output allocations.

Responses:

IP - None

Soyland - The only generating capacity additions Soyland has committed for operation after the nuclear facility is 450 MW expected to be in service June of 1987.

WIPCO - None

B.1.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.

Responses:

IP - Since the submission of the construction permit application, IP has studied proposals to purchase or to provide electric service on an interconnection or wholesale basis to the following:

(1) Proposals to Purchase

- (a) Municipal electric properties of the City of Waterloo, Illinois. Purchase Agreement was submitted, considered, but not accepted. The City opted for partial requirement service under the Agreement for Purchase of Power dated May 1, 1979.
- (b) Municipal electric properties of the Village of Ladd, Illinois. Preliminary conversation, however, a study nor a formal proposal has been completed.
- (c) Mt. Carmel Public Utility Company properties - incomplete as of February 25, 1980.

(2) Requests for Interconnection or Wholesale Service

- (a) Village of Chatam, Illinois preliminary inquiries.
- (b) Farmer City, Illinois preliminary inquiries.
- (c) Village of Flora, Illinois preliminary inquiries.

Soyland - Southern Illinois Power Cooperative, Western Illinois Power Cooperative and Soyland Power Cooperative are currently doing joint generating planning studies.

WIPCO - WIPCO is participating along with Soyland Power Cooperative and Southern Illinois Power Cooperative in a power supply study to determine the benefits, if any, for joint participation in various sized coal-fired units. The generating units being investigated would come on-line during the 1986 through 1988 time period. WIPCO would be a minority shareholder in any scenario. This study is incomplete at this time.

City Water, Light and Power: Springfield, Illinois, has approached WIPCO on an exploratory level to access WIPCO's interest in joint participation. This venture has not progressed beyond the exploratory level.

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

Response:

In Appendix A of his letter to Joseph Sanders, Esq., Chief, Public Counsel and Legislative Section, Anti-trust Division, U. S. Department of Justice, Mr. W. C. Gerstner (IP Executive VP) expressed the "STATEMENT OF POLICY CONCERNING BULK POWER SUPPLY ARRANGEMENTS WITH NEIGHBORING ELECTRIC SYSTEMS IN CONNECTION WITH CLINTON POWER STATION UNITS 1 AND 2".

In compliance with that Policy, Illinois Power Company has entered into the following agreements:

- (1) Joint Ownership of Clinton Units 1 & 2 with SOYLAND (Soyland Power Cooperative, Inc.) and WIPCO (Western Illinois Power Cooperative, Inc.) (10.5% and 9.5%, respectively).
- (2) Interconnection and Facility Use Agreements with both Soyland and WIPCO.
- (3) Interconnection Agreement with Springfield-City Water Light & Power (CWL&P)

In addition, Illinois Power Company has investigated the possibility of service on an interconnection or wholesale basis with several municipalities as shown in items B.1.f(1) and B.1.h above.

List of Exhibits

- W-1 Estimated Capacity Requirements and Available Capacity for WIPCO in MWe 1979 thru 1989.
- IP-1 IP Projected Capacity and Demand at System Peak (Table 1.1-17, page 1.1-29 of GPS-ER(OLS).
- IP-2 Illinois Commerce Commission Order, Proposed general increase in electric rates and changes in Rider R of gas rates, in Docket 76-0435.
- IP-3 Illinois Commerce Commission Order, Proposed general increases in electric and gas rates and revisions of the Electric and Gas Rules, Regulations and Conditions of Service, in Docket 79-0071.
- IP-4 Schedule of Rates for Electric Service in Illinois (Ill. C.C. No. 23)
- IP-5 Illinois Power Co. Agreements for Purchase of Power with Inter-connected Municipalities.

ESTIMATED CAPACITY REQUIREMENTS AND
AVAILABLE CAPACITY FOR WIPCO IN MWe
1979 thru 1989

<u>YEAR</u>	<u>TOTAL SYSTEM</u>	<u>WIPCO SERVED</u>	<u>IPC SERVED</u>	<u>CIPS SERVED</u>	<u>REQUIRED² RESERVES</u>	<u>DEPENDABLE CAPACITY</u>	<u>EXCESS (DEFICIT)</u>	<u>NEW CAPACITY</u>	<u>ANNUAL LOAD FACTOR</u>
1979 ¹	134.9	44.8	17.1	73.0	11.0	57.7	1.9		50.9
1980	151.1	48.7	20.8	81.6	11.0	57.7	(2.0)		50.9
1981	159.4	52.0	22.0	85.4	11.0	57.7	(5.3)		51.2
1982	168.1	55.2	26.9	86.0	11.0	57.7	(8.5) ³	87.9 ⁴	51.5
1983	178.7	138.7	16.0	24.0	20.8	145.6	(13.9)		51.5
1984	190.0	140.0	16.0	34.0	21.0	145.6	(15.4)		51.5
1985	202.1	142.1	16.0	44.0	21.3	145.6	(17.8)		51.4
1986	214.7	162.7	16.0	36.0	24.4	217.6	30.5	72.0 ⁵	51.5
1987	228.5	164.5	16.0	48.0	24.7	217.6	28.4		51.4
1988	243.0	222.0	16.0	5.0	50.0	317.6	45.6	100.0 ⁶	51.4
1989	258.4	237.4	16.0	5.0	50.0	317.6	30.2		51.3

NOTES:

- 1 Actual data
- 2 Calculated at 15% of WIPCO served load or 1/2 of largest unit except Clinton Unit I
- 3 Does not include effects of Clinton Unit I scheduled for Dec. 1982
- 4 WIPCO's 9 1/2% share of Clinton Unit I
- 5 Proposed combustion turbine peaking capacity
- 6 Proposed coal-fired capacity; WIPCO independent or joint participation

TABLE 1.1-17

IP PROJECTED CAPACITY AND DEMAND AT SYSTEM PEAK

(All Values in Megawatts)

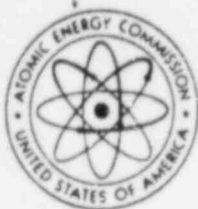
<u>PARAMETER</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Units Added					760					760				450
Units Retired														
Owned Capacity	3839	3839	3839	3839	4599	4599	4599	4599	4599	5359	5359	5359	5359	5809
Joppa Capacity	203	203	203	203	203	203	203	203	203	203	203	203	203	203
System Capacity	4042	4042	4042	4042	4802	4802	4802	4802	4802	5562	5562	5562	5562	6012
Unreserved Purchase														
North Counties Hydro	2	2	2	2	2	2	2	2	2	2	2	2	2	2
City of Springfield	65													
Unreserved Sales														
CE														
CILCO	-150													
Joppe Demand	-148	-148	-28	-148	-148	-148	-148	-148	-148	-148	-148	-148	-148	-148
Adjusted Capacity	3811	3896	4016	3896	4656	4656	4656	4656	4656	5416	5416	5416	5416	5866
Net System Demand	3075	3260	3415	3575	3480	3625	3770	3925	4005	4250	4410	4570	4745	4923
Reserved Sales														
Soyland					205	225	245	265	120	0	0	0	0	0
Municipalities														
Reserved Purchases														
TVA	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65
CE				-300										
Adjusted Demand	3010	3145	3350	3210	3620	3785	3950	4125	4140	4185	4345	4505	4680	4860
Reserve with Scheduled														
Units	801	701	664	686	1036	871	706	531	516	1231	1071	911	786	1006
Percent Reserve	26.6	21.9	19.9	21.4	28.6	23.0	17.9	12.9	12.5	29.4	24.6	20.2	16.8	20.7

Note: 1987 reduction in reserved sales to Soyland is due to Soyland's addition of a 450 MW unit with the capacity to be split between CIPS & IP delivery points.

1.1-29

CPS-ER (OLS)

EXHIBIT 1P-1



U.S. ATOMIC ENERGY COMMISSION

REGULATORY GUIDE

DIRECTORATE OF REGULATORY STANDARDS

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 | 6. Products |
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| 4. Environmental and Siting | 9. Antitrust Review |
| 5. Materials and Plant Protection | 10. General |

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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.