



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

June 2, 1988

Mr. Edward G. Bauer, Jr.
Vice President and General Counsel
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19101

Dear Mr. Bauer:

SUBJECT: LIMERICK GENERATING STATION, UNIT 2, DOCKET NO. 50-353A;
REQUEST FOR UPDATED ANTITRUST INFORMATION PURSUANT TO
REGULATORY GUIDE 9.3

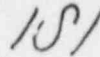
As part of its operating license antitrust review, the Nuclear Regulatory Commission staff analyzes changes in the licensee's activities that have occurred since the initial antitrust review at the construction permit stage. The response to Regulatory Guide 9.3 submitted by the Philadelphia Electric Company (Philadelphia Electric) on May 3, 1982 is now over six years old and will be over seven years old at the time fuel loading is projected for Unit 2 of the Limerick Generating Station. In light of the time period that has elapsed since Philadelphia Electric's data response in 1982 and the staff's operating license antitrust review of Unit 1 of the Limerick Generating Station, completed in July of 1984, staff is requesting updated data responses from Philadelphia Electric to Question B.1 and all subsections, as well as Question B.2 of Regulatory Guide 9.3 (copy enclosed).

Your response should begin where your May 3, 1982 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 any new developments since the 1982 response should be addressed. 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.

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Please provide your response within sixty (60) days of the date of this letter. If you have any questions regarding this request, contact William M. Lambe at (301) 492-1277.

Sincerely,



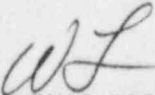
Walter R. Butler, Director
Project Directorate I-II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

Distribution

Docket File No. 50-353A

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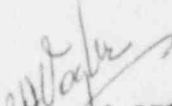
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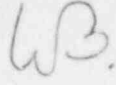


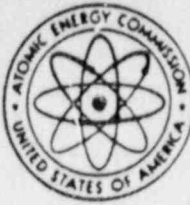
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REGULATORY GUIDE

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

item 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 required 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:

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|-----------------------------------|------------------------|
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| 3. Fuels and Materials Facilities | 8. Occupational Health |
| 4. Environmental and Siting | 9. Antitrust Review |
| 5. Materials and Plant Protection | 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.