

February 15, 2002

Mr. Roger W. Fones  
Chief, Transportation, Energy and Agriculture Section  
Antitrust Division  
Department of Justice  
325 7<sup>th</sup> Street N.W., Suite 500  
Washington, DC 20530

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 -  
CONSIDERATION OF AMENDMENTS REGARDING ANTITRUST LICENSE  
CONDITIONS (TAC NOS. MB2203 AND MB2204)

Dear Mr. Fones:

By letter dated September 27, 2001, the U.S. Nuclear Regulatory Commission (NRC) staff notified the U.S. Department of Justice (DOJ) that the NRC is considering issuing amendments to Facility Operating License Nos. NPF-87 and NPF-89 for Comanche Peak Steam Electric Station, Units 1 and 2, respectively. The proposed amendments would delete the antitrust conditions of the licenses in response to the licensee's application dated June 19, 2001. In our letter of September 27, 2001, we requested that DOJ provide comments on the proposed license amendments by November 15, 2001. During subsequent conversations with your staff, the NRC staff indicated that the completion of the NRC's review had been delayed and that receipt of DOJ comments by November 15, 2001 was no longer needed.

As I informed Ms. Janet Urban of your staff in a telephone conversation on February 15, 2002, the NRC staff has now completed its review of the licensee's proposed license amendments and is currently awaiting the receipt of DOJ's comments on the proposed amendments. Ms. Urban informed me during our telephone conversation that DOJ could provide comments to the NRC staff within 30 days. Accordingly, we would appreciate DOJ's comments on the proposed license amendments within 30 days from the date of this letter. In the event that the NRC staff does not receive any comments from DOJ by that time, the NRC staff will assume that DOJ, based upon its examination of the application, has no objections to the proposed amendments. The NRC staff will then proceed to finalize its action on the application for amendments, as appropriate. If you have any questions, please do not hesitate to contact me at 301-415-3605.

Sincerely,

*/RA/*

Grace H. Kim  
Senior Attorney  
Office of the General Counsel

Docket Nos. 50-445 and 50-446

cc: See next page

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**ACCESSION NO.: ML020360060**

\*See previous concurrence

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Comanche Peak Steam Electric Station

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April 2001