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 FUNCHES, J. L. Planning & Program Analysis Staff (post 851125)

SUBJECT: Requests info on whether "wheeling conditions" attached to plant const license, for author response to 861029 FR notice requesting views on possible anti-competitive activity by El Paso Electric. Info on 860614 & 1020 FR notices requested.

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November 5, 1986

Mr. Jessie L. Funches, Director
Planning and Program Analysis Staff
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. STN 50-530A

Dear Mr. Funches:


As General Counsel to Plains Electric Generation and Transmission Cooperative of Albuquerque, New Mexico, I have attempted to obtain information announced to be available at the NRC's Public Information Office in Washington, D.C. according to announcements relating to the above-captioned docket published in the Federal Register on June 14, 1986 and October 20, 1986. To date we have not been able to obtain the information, but I hope it will be forthcoming shortly.

In the meantime, I have been asked by Plains G&T to investigate the matter of whether or not evidence exists which might be relevant to your assessment of antitrust aspects of granting an NRC Operating License to El Paso Electric Company. In this connection, I would like to know as soon as possible whether or not certain conditions, commonly known as "wheeling conditions," have been attached to the Construction License for Palo Verde Nuclear Generating Unit No. 3 for purposes of application to El Paso Electric Company. If so, may I please have a copy of those license conditions? If wheeling license conditions have not been included in El Paso's Construction License, could you please inform me whether you intend to include them in El Paso's Operating License?

In view of the fact that Plains Electric Generation and Transmission Cooperative must respond to the October 29, 1986 Federal Register notice requesting views on possible anti-competitive activity by El Paso Electric Company within 30 days, I would appreciate your prompt response to this inquiry. You may telecopy your response to me at (505) 988-2987 or provide it to me via Express Mail or Federal Express at my expense. My Federal Express charge account number is 0871-0675-6.

Thank you very much for your cooperation.

Very truly yours,


Richard N. Carpenter

RNC:rm

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