



OHIO EDISON  
The Energy Makers

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Justin T. Rogers, Jr.  
President

February 26, 1991

Federal Express

Chairman Kenneth M. Carr  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852

Re: Application of Ohio Edison Company to Suspend  
Antitrust License Conditions (Perry Nuclear  
Power Plant, Unit 1), NRC Docket No. 50-440A

Dear Chairman Carr:

I would like to call to your attention the fact that the NRC staff has yet to issue an initial decision on a license amendment application filed by Ohio Edison Company nearly three and a half years ago.

On September 18, 1987, Ohio Edison filed with the NRC's Office of Nuclear Reactor Regulation an application to amend the operating license of the Perry Nuclear Power Plant. That application requested the suspension of the license's antitrust conditions insofar as they apply to OE, since the circumstances justifying the license conditions had changed radically from the time the conditions were imposed. On December 22, 1987, the NRC staff published notice in the Federal Register of the receipt of the application, stating that a copy had been forwarded to the Department of Justice for review and comment.

On June 22, 1988, Ohio Edison transferred the matter to the federal courts due to apparent congressional interference with the agency's decision-making process. (On March 29, 1988, Senator Howard M. Metzenbaum of Ohio had proposed legislation that would have made it illegal for the NRC to grant our application.) Ohio Edison's application before the NRC was therefore held in abeyance until April 27, 1989, when the United States Court of Appeals for the District of Columbia Circuit dismissed the case on the grounds that the administrative process had not yet reached a conclusion. Almost two years have elapsed since the matter was remanded to the NRC and, as yet, there has been no NRC response to the amendment request.

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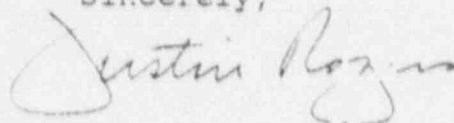
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In part, the two year delay has been occasioned by the Department of Justice, which delayed rendering its advice to the NRC regarding our application until June 13, 1990. We were subsequently told that we would receive the NRC staff's response to our application by September 1990. To date, we have yet to hear from the NRC.

The NRC's delay in responding to our license amendment request is not only a matter of serious concern to Ohio Edison, but also could potentially affect the electric utility industry as a whole. If any new nuclear power plants are to be constructed in this country, utilities should be able to expect at least two things: (1) that the NRC staff responds to license-related requests promptly, so that utilities have adequate time to plan for plant construction and integration into existing systems, and (2) that the NRC recognizes when changed circumstances necessitate corresponding changes in licensing parameters. Unnecessary extended procedural delays prevent utilities from planning for the future with any reasonable degree of certainty.

I hope you will look into this matter and take appropriate steps to resolve our application.

Sincerely,



JTR/ab