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MCLEAN, VIRGINIA 22102
(703) 790 7900

TELECOPIER
202/223 3760 & 223 3761

MARGARET S. SPENCER

September 25, 1991

VIA FEDERAL EXPRESS

Marshall E. Miller, Chairman
Atomic Safety and Licensing Board Panel
1920 South Creek Boulevard
Spruce Creek Fly-In
Daytona Beach, Florida 32124

VIA MESSENGER

Charles Bechhoefer, Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
4350 East West Highway - Room E-413
Bethesda, Maryland 20814

G. Paul Boilwerk, III, Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
4350 East West Highway - Room E-522
Bethesda, Maryland 20814

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

Gentlemen:

I believe that at last Thursday's Prehearing Conference counsel for Ohio Edison indicated that we would provide the Licensing Board and all parties with copies of the correspondence between Senator Metzenbaum and the NRC, which we had located in the NRC's Public Document Room. Accordingly, enclosed are those documents, as indicated on the attached index.

Sincerely yours,

Margaret S. Spencer

Margaret S. Spencer

Enclosures

cc: Samuel J. Chilk (via messenger; w/enclosures)
Service List (w/enclosures)

9110040077 910925
PDR ADOCK 05000440
M PDR

DS08

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SERVICE LIST

Joseph Rutberg, Esq.
Sherwin E. Turk, Esq.
Steven R. Hom, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mark C. Schechter, Esq., Chief
Roger W. Fones, Esq.,
Assistant Chief
Janet Urban, Esq.
Transportation, Energy and
Agriculture Section
Antitrust Division
Department of Justice
555 Fourth Street, N.W.
Washington, D.C. 20001

James P. Murphy, Esq.
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
Post Office Box 407
Washington, D.C. 20044

June W. Weiner, Esq.,
Chief Assistant Director of Law
William M. Ondrey Gruber, Esq.,
Assistant Director of Law
William T. Zigli, Esq.,
Assistant Director of Law
City Hall, Room 106
601 Lakeside Avenue
Cleveland, Ohio 44114

Reuben Goldberg, Esq.
Channing D. Strother, Jr., Esq.
Goldberg, Fieldman & Letham, P.C.
1100 Fifteenth Street, N.W.
Washington, D.C. 20005

D. Biard MacGuineas, Esq.
Volpe, Boskey and Lyons
918 Sixteenth Street, N.W.
Washington, D.C. 20006

David R. Straus, Esq.
Spiegel & McDiarmid
1350 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005-4798

Kenneth L. Hegemann, P.E.
President
American Municipal Power-Ohio,
Inc.
601 Dempsey Road
Post Office Box 349
Westerville, Ohio 43081

Philip N. Overholt
Office of Nuclear Plant
Performance
Office of Nuclear Energy
U.S. Department of Energy, NE-44
Washington, D.C. 20585

Documents Found in NRC Public Document Room

1. Letter from Senator Metzenbaum to Thomas Murley (March 1, 1988)
2. EDO Principal Correspondence Control (March 18, 1988)
3. Seven undated drafts of letter from Victor Stello to Senator Metzenbaum
4. Letter from Victor Stello to Senator Metzenbaum (April 4, 1988)

United States Senate
WASHINGTON, DC 20510

COMMITTEE ON ENERGY AND
NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY
REGULATION AND CONSERVATION
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON ANTITRUST
MONOPOLIES AND BUSINESS RIGHTS
COMMITTEE ON LABOR AND HUMAN RESOURCES
SUBCOMMITTEE ON LABOR

March 1, 1988

Mr. Thomas E. Murley
Director of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Murley:

I am writing in opposition to an application submitted to the NRC by the Ohio Edison Company (Application to Amend the Perry Operating License to Suspend the Antitrust Conditions Insofar As They Apply to Ohio Edison Company, Docket No. 50-440A).

It is clear that Perry's costs have risen far beyond projections made in 1976 when its owners decided to build the plant, a fact which Ohio Edison admits in its application. I do not believe, however, that Ohio Edison and its partners should be allowed to escape the consequences of an unfortunate business decision by holding municipal power systems captive to their increasing rates.

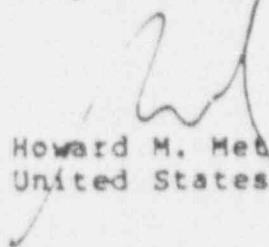
If the Ohio Edison request is approved, residential and industrial customers in 21 cities would be faced with dramatic rate increases. This would be extremely unfair to the residents of 22 townships in Ohio, including Amerherst, Beach City, Brewster, Columbiana, Custar, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroesville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington.

The fact that nuclear power has turned out to be substantially more expensive than other power sources does not obliterate the need to protect municipalities from monopolistic practices by the owners of nuclear plants. In fact, I would argue that the high costs of nuclear power increase the importance of antitrust protections. If Ohio Edison's request is approved, it will remove the natural market pressure on the utility to keep its rates low in order to retain and attract customers. Ohio Edison should thus be held to the original terms of the Perry Operating License.

Mr. Thomas Murley
March 1, 1988
Page Two

I appreciate your consideration of my views on this matter.

Very sincerely yours,



Howard M. Metzenbaum
United States Senator

HMM/ba



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545

ACTION

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM:

BEN. HOWARD M. METZENBAUM

DUE: 04/01/88

EDO CONTROL: 003583
DOC DT: 03/01/88
FINAL REPLY:

TO:

MURLEY

FOR SIGNATURE OF:

88 PRIORITY 88

SECY NO: 88-219

EXECUTIVE DIRECTOR

DESC:

CONCERNING PERRY NUCLEAR POWER PLANT

DATE: 03/18/88

ASSIGNED TO: NRR

CONTACT: MURLEY

ROUTING:

STELLO
TAYLOR
REHM
DAVIS
MURRAY

SPECIAL INSTRUCTIONS OR REMARKS:
COORDINATE WITH DARRELL NASH AND OGC.

NRR RECEIVED: MARCH 21, 1988

ACTION: DRSP: CRUDENFIELD →

NRR ROUTING: MURLEY/SNIEZEK
MIRAGLIA
MARTIN
GILLESPIE
MOSEBURG

ACTION

DUE TO NRR DIRECTOR'S FIL

BY MARCH 29, 1988

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PER NUMBER: CRC-88-0219 LOGGING DATE: Mar 15 88

ACTION OFFICE: EDO

AUTHOR: H.M. Matzenbaum
AFFILIATION: U.S. SENATE

LETTER DATE: Mar 1 88 FILE CODE: ID&R-5 Perry

SUBJECT: Opposes appl by Ohio Edison Co. to amend the Perry
OL to suspend antitrust conditions insofar as they
appl to Ohio Edison

ACTION: Appropriate

DISTRIBUTION: RP, OCA to Ack, Docket

SPECIAL HANDLING: None

NOTES:

DATE DUE:

SIGNATURE: DATE SIGNED:
AFFILIATION:

Rec'd OM. EDO

Date 3-16-88
Time 8:17

110-200355

The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Energy Regulation
and Conservation
United States Senate
Committee on Energy and Natural Resources
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to respond to your March 1, 1988 letter to Dr. Thomas Murley expressing your concerns over the September 18, 1987 application submitted by Ohio Edison Company (Application to Amend the Perry Operating License to Suspend the Antitrust Conditions Insofar as They Apply to Ohio Edison Company, Docket No. 50-440A). I wish to thank you for your thoughtful comments pursuant to the Commission's on-going review of the above mentioned proceeding. Your comments have been most helpful and will be considered in the Staff's review of Ohio Edison's license amendment application.

A copy of our review of this matter will be forwarded to your office upon completion. If you have any questions or additional comments concerning this matter please do not hesitate to call or write me.

I would again like to thank you for your interest in this matter and assure you that we will give thorough consideration to your comments in conducting our review.

Sincerely,

Victor Stello, Jr.
Executive Director
for Operations

DISTRIBUTION:

Docket Files	NRC PDR w/cy of incoming
Local PDR	EDO#003583
EDO r/f	TMurley/JSnizek
DCrutchfield	GHolahan
KPerkins	TColburn
FKreutzer	FMiraglia
NRR Mailroom	PDIII-3 r/f
TMartin	FGillespie
DMossburg	AThomas
CThomas	VStello

Office:	PM/PDIII-3	PD/PDIII-3	ARM/PPMB	PTSB	AD/DRSP
Surname:	TColburn/tg	KPerkins	AThomas	CThomas	GHolahan
Date:	3/23/88	3/1/88	3/1/88	/ /88	/ /88
Office:	D/DRSP	ADP	D/OMRR	EDO	GPA/CA
Surname:	DCrutchfield	FMiraglia	TMurley	VStello	
Date:	/ /88	/ /88	/ /88	/ /88	/ /88

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The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Energy Regulation
and Conservation
United States Senate
Committee on Energy and Natural Resources
Washington, D.C. 20510

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Executive Director
for Operations

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NRR Mailroom	PDIII-3 r/f
TMartin	FGillespie
DPlossburg	AThomas
CThomas	VStello

*SEE PREVIOUS CONCURRENCE

Office:	PM/PDIII-3	PD/PDIII-3	ARM/PPMB	PTSB	AD/DRSP	OGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	CThomas	GHolahan	
Date:	03/23/88	03/23/88	03/23/88	/ /88	/ /88	/ /88
Office:	D/DRSP	ADP	D/ONRR	EDO	GPA/CA	
Surname:	DCrutchfield	FMiraglia	TMurley	VStello		
Date:	/ /88	/ /88	/ /88	/ /88	/ /88	



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

The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Energy Regulation
and Conservation
United States Senate
Committee on Energy and Natural Resources
Washington, D.C. 20510

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~~I would again like to thank you for your interest in this matter and assure you that we will give thorough consideration to your comments in conducting our review.~~

Sincerely,

Victor Stello, Jr.
Executive Director
for Operations

The Commission is actively concerned with maintaining competition and providing competitive stimulus in the electric bulk power resource market.

The Honorable Howard M. Metzenbaum
 Chairman, Subcommittee on Energy Regulation
 and Conservation
 United States Senate
 Committee on Energy and Natural Resources
 Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to respond to your March 1, 1988 letter to Dr. Thomas Murley expressing your concerns regarding the September 18, 1987 application submitted by Ohio Edison Company (Application to Amend the Perry Operating License to Suspend the Antitrust Conditions Insofar as They App'y to Ohio Edison Company, Docket No. 50-440A). The Commission is actively concerned with maintaining competition ~~and preventing monopolization~~ in the electric bulk power services market.

Your comments have been most helpful and will be considered in the staff's review of Ohio Edison's license amendment application. If you have any questions or additional comments concerning this matter, please do not hesitate to call or write me.

Sincerely,

Victor Stello, Jr.
 Executive Director
 for Operations

DISTRIBUTION:

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TMartin	FGillespie
DMossburg	AThomas
CThomas	VStello

*SEE PREVIOUS CONCURRENCE

Office:	PM/PDIII-3	PD/PDIII-3	ARM/PPMB	PZSB	AD/DRSP	OGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	<i>CTolburn</i>	GHolahan	<i>BH</i>
Date:	03/23/88	03/23/88	03/23/88	SKY/88	/ /88	3/25/88
Office:	D/DRSP	ADP	D/OMRR	EDO	GPA/CA	
Surname:	DCrutchfield	FMiraglia	TMurley	VStello		
Date:	/ /88	/ /88	/ /88	/ /88	/ /88	

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 Chairman, Subcommittee on Energy Regulation
 and Conservation
 United States Senate
 Committee on Energy and Natural Resources
 Washington, D.C. 20510

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DMossburg	AThomas
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Office: PM/PDIII-3	PD/PDIII-3	ARM/PPMB	PTSB	AD/DPSP	OGC
Surname: *TColburn/tg	*KPerkins	*AThomas	*CThomas	GHolahan	*BVogler
Date: 03/23/88	03/23/88	03/23/88	03/23/88	3/25/88	03/25/88
Office: <i>[Signature]</i>	ADP <i>[Signature]</i>	D/OMRR	EDO	GPA/CA	
Surname: DCrutchfield	FMiraglia	TMurley	VStello		
Date: 3/25/88	1/ /88	/ /88	/ /88	/ /88	

The Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20510

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Executive Director
for Operations

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EDO r/f	TMurley/JSnizek
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Wlossburg	AThomas
CThomas	VStello

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Office:	FM/PDIII-3	PD/PDIII-3	ARM/PPMB	PTSB	AD/DRSP	CGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	*CThomas	*GHolahan	*FVogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	03/25/88	03/25/88
Office:	D/DRSP	ADP	D/ONRR	EDO	GPA/CA	
Surname:	*DCrutchfield	*FMiraglia	TMurley	VStello		
Date:	3/25/88	03/28/88	1/88	1/88	1/88	

The Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20510

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At the present time, the request for the amendment to the Perry License has been published in the Federal Register and the period for comments will expire on April 6, 1988. We have received several comments so far indicating opposition to the requested amendment. Once the period for comments has passed, the staff will review all comments and consider them along with the request. A determination will be made by the staff to either grant or deny the amendment request. At that time a notice of the staff determination will be published in the Federal Register and an opportunity to request a hearing will be provided.

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Sincerely,

Victor Stello, Jr.
Executive Director
for Operations

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EDO r/f	TMurley/JSnietzek
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TMartin	FGillespie
DMossburg	AThomas
CThomas	VStello

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Office:	PM/PD111-3	PD/PD111-3	ARM/PPMB	PTSB	AD/DRSP	GUC
Surname:	*TColburn/lq	*KPerkins	*AThomas	*CThomas	*GHolahan	*EVogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	03/25/88	03/25/88
Office:	D/DRSP*	ADP		EDO	GPA/CA	
Surname:	*DCrutchfield	*FMiraglia	TMurley	VStello		
Date:	03/25/88	03/28/88	3/30/88	/ /88	/ /88	

APR 4 1988

The Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20510

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Sincerely,

Original signed by
Victor Stello

Victor Stello, Jr.
Executive Director
for Operations

BB04130404 BB0404
PDR ADOCK 05000440
U PDR

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DCrutchfield	GHolahan	ABDavis
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TMartin	FGillespie	
DMossburg	AThomas	
CThomas	VStello	

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Office:	PM/PDIII-3	PD/PDIII-3	ARM/PPMB	PTSB	AD/DRSP	OGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	*CThomas	*GHolahan	*BYogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	03/25/88	03/25/88
Office:	D/DRSP*	ADP	*DYORR	EDO	GPA/CA	
Surname:	*DCrutchfield	*FMiraglia	TMurley	VStello		
Date:	03/25/88	03/28/88	03/30/88	JVW/88		

16

The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Energy Regulation
and Conservation
United States Senate
Committee on Energy and Natural Resources
Washington, D.C. 20510

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Executive Director
for Operations

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Surname:	*TColburn/tg	*KPerkins	*AThomas	*CThomas	GHolahan	*BVogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	3/25/88	03/25/88
Office:	DCrutchfield	ADP	D/ONRR	EDO	GPA/CA	
Surname:	DCrutchfield	FMiraglia	TMurley	VStello		
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Docket Files	NRC PDR w/cy of incoming
Local PDP	EDX#00358?
EDO r/f	TMurley/JSnizek
LCrutchfield	GHolahan
KPerkins	TColburn
KKreutzer	FMiraglia
NRR Mailroom	PD111-3 r/f
TMartin	FGillespie
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Office:	FM/PD111-3	PD/PD111-3	ARM/PPMB	PTSB	AD/DRSP	UGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	*CThomas	*GHolahan	*FVogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	03/25/88	03/25/88
Office:	D/DRSP*	ADP	D/DRSP	EDO	GPA/CA	
Surname:	*LCrutchfield	*FMiraglia	TMurley	VStello		
Date:	03/25/88	03/28/88	/ /88	/ /88	/ /88	/ /88

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Executive Director
for Operations

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CThomas	VStello

*SEE PREVIOUS CONCURRENCE

Office:	PM/PD111-3	PD/PD111-3	ARM/PPMB	PTSB	AD/DRSP	OGC
Surname:	*TColburn/tg	*KPerkins	*AThomas	*CThomas	*GHolahan	*FVogler
Date:	03/23/88	03/23/88	03/23/88	03/23/88	03/25/88	03/25/88
Office:	D/DRSP*	ADP	ED/DRSP	EDO	GPA/CA	
Surname:	*DCrutchfield	*FMiraglia	TMurley	VStello		
Date:	03/25/88	03/28/88	3/30/88	/ /88	/ /88	

APR 4 1988

The Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20510

Dear Senator Metzenbaum:

I am pleased to respond to your March 1, 1988 letter to Dr. Thomas Murley expressing your concerns regarding the September 18, 1987 application submitted by Ohio Edison Company (Application to Amend the Perry Operating License to Suspend the Antitrust Conditions Insofar as They Apply to Ohio Edison Company, Docket No. 50-440A). The Commission is actively concerned with maintaining competition in the electric bulk power services market.

At the present time, the request for the amendment to the Perry License has been published in the Federal Register and the period for comments will expire on April 6, 1988. We have received several comments so far indicating opposition to the requested amendment. Once the period for comments has passed, the staff will review all comments and consider them along with the request. A determination will be made by the staff to either grant or deny the amendment request. At that time a notice of the staff determination will be published in the Federal Register and an opportunity to request a hearing will be provided.

Your comments have been most helpful and will be considered in the staff's review of Ohio Edison's license amendment application. If you have any questions or additional comments concerning this matter, please do not hesitate to call or write me.

Sincerely,

Original signed by
Victor Stello

Victor Stello, Jr.
Executive Director
for Operations

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