

JUL 18 1985

50-498

Mr. J. H. Goldberg, Vice President
Nuclear Engineering and Construction
Houston Lighting & Power Company
P. O. Box 1700
Houston, Texas 77001

Re: South Texas Project, Unit 1, Docket No. 50-498; Antitrust Operating
License Review; Responses to Regulatory Guide 9.3

Dear Mr. Goldberg:

Due to the substantial lapse of time since the antitrust settlement in the captioned case in September of 1980 and the scheduled fuel load of December 1986, there will be a "review vacuum" of over six years in the antitrust operating license phase of review. Consequently, staff would appreciate it if Houston Lighting & Power Company, acting as the lead applicant, would provide responses to the Commission's Regulatory Guide 9.3 (copy attached) pertaining to the applicants' changed activity since the September 15, 1980 antitrust settlement. (Your answer to Item B.2 of Regulatory Guide 9.3 should include those actions or policies which have been implemented in accordance with the 1980 settlement.)

Please provide these data for all applicants within 60 days of the date of this letter. If you have any questions concerning this request, contact William Lambe of my staff at (301) 492-8048.

Thank you for your assistance in this matter.

Sincerely,

/s/

Donald P. Cleary, Acting Chief
Site Analysis Branch
Division of Engineering
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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

NRC PDR

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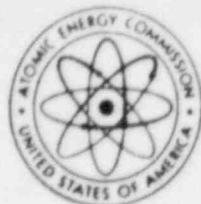
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Site Analysis Branch
Division of Engineering
Office of Nuclear Reactor Regulation

Enclosure:
As stated



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

items 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 requisite 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:

- | | |
|-----------------------------------|------------------------|
| 1. Power Reactors | 6. Products |
| 2. Research and Test Reactors | 7. Transportation |
| 3. Fuels and Materials Facilities | 8. Occupational Health |
| 4. Environmental and Siting | 9. Antitrust Review |
| 5. Materials and Plant Protection | 10. General |

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- 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.