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US NRC

64FR 58862
Nov. 1, 1999

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Robert Willis Bishop
VICE PRESIDENT &
GENERAL COUNSEL

January 28, 2000

U.S. Nuclear Regulatory Commission
Rules and Directives Branch
Office of Administration
Washington, DC 20555

SUBJECT: Request for Comments
Proposed Revision 1 of Regulatory Guide 9.3, *Information Needed for an Antitrust Review of Initial Operating License Applications for Nuclear Power Plants*
(64 Fed. Reg. 58862; November 1, 1999)

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI),¹ is providing these comments in response to the request for comments on proposed Revision 1 of NRC Regulatory Guide 9.3, *Information Needed for an Antitrust Review of Initial Operating License Applications for Nuclear Power Plants*, published for comment on November 1, 1999.

The nuclear energy industry, through NEI, participated as an *amicus curiae* in the license transfer proceeding for Wolf Creek Generating Station, Unit 1. As described in our *amicus* brief in that proceeding, the nuclear energy industry believes that the structure, language and history of the Atomic Energy Act support the Commission's conclusions regarding the Commission's authority and responsibility pertaining to antitrust reviews.

The industry believes that the regulatory position taken in the draft Regulatory Guide DG-9001 is reasonable and appropriate and fully comports with the Commission's authority and responsibility under the Atomic Energy Act. Further, we believe that the proposed revision to Regulatory Guide 9.3 to clarify that it

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.

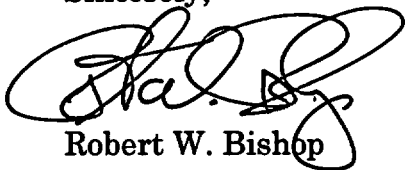


January 28, 2000
Page 2

applies only to initial operating license applications would simplify the licensing process necessitated by change of ownership of current licensed facilities.

We would be pleased to discuss our views on this subject further, if any members of the NRC staff have questions regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Bishop", written in a cursive style. The signature is positioned above the printed name "Robert W. Bishop".

Robert W. Bishop

c: Karen D. Cyr, Esq., General Counsel