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January 23, 1991

Mr. Samuel L. Chilk
Secretary of the Commission
United States Regulatory Commission
Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

Re: Notice of Proposed Rule on Nuclear Power Plant License Renewal

Dear Mr. Chilk:

In reviewing the comments on the proposed rulemaking relating to nuclear power plant license renewals, 1/ we noted a substantive typographical error in the October 15, 1990, filing on behalf of Consolidated Edison Company of New York, Inc., et al. 2/ On page eight of their comments on antitrust issues, they quote the Joint Committee on Atomic Energy as stating "there may be applications to extend or renew a license...." H.R. Report No. 1470, 91st Cong. 2nd Sess. 29 (1970) (emphasis in quotation of Consolidated Edison Co., et al.). In fact, the Joint Committee report states "there may be applications to extend or review a license...." Id. (emphasis added).

1/ 55 Fed. Reg. 29043 (July 17, 1990).

2/ Comments on Behalf of Consolidated Edison Co. of New York, Inc.; Niagara Mohawk Power Corp.; Northeast Utilities; Public Service Electric & Gas; Rochester Gas & Electric; South Carolina Electric & Gas Co.; TU Electric; Washington Public Power Supply System; and Yankee Atomic Electric Co.

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As explained in the initial comments of the American Public Power Association, the National Rural Electric Cooperative Association and Public Systems, dated October 15, 1990, 3/ applications for license modifications during the initial term or for extension of an abbreviated term (i.e., what the Joint Committee referred to as "applications which may be filed during the licensing process") 4/ are "applications to extend or review a license" for which antitrust review is generally not required unless the modification constitutes a new or substantially different facility. A license renewal application for a new term is an application for a new license for which antitrust review is mandated. Therefore, the Joint Committee's language does not support the proposed rule's failure to provide for antitrust review of license renewal applications. 5/ Because the misquotation of the language could inadvertently mislead, we call the misquotation in the Consolidated Edison Co, et al. comments to your attention.

Respectfully submitted,

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cc: Joseph B. Knotts, Esq.

3/ Page 8, n.23.

4/ Report by the Joint Committee on Atomic Energy, H.R. Report No. 1470, 91st Cong., 2nd Sess. 29 (1970).

5/ In any event, as further described in our initial comments, see, e.g., pages 9-16, in view of changes in the electric utility industry, and thus in the activities of the licensees, as well as changes in the licensed facilities themselves which have occurred since the initial antitrust review, the renewal license is for a "substantially different" facility.