

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Wolf Creek Nuclear Operating Corporation, Wolf Creek Generating Station; Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF-42 for the Wolf Creek Generating Station (WCGS) to the extent held by Kansas Gas and Electric Company (KGE) and Kansas City Power & Light Company (KCPL). The transfer would be to NKC, Inc., which will later be renamed Westar Energy, Inc. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

As described in an application for approval submitted by KGE, KCPL, NKC, Inc., and Wolf Creek Nuclear Operating Corporation (WCNOC), which is the exclusive licensed operator of WCGS, KGE, KCPL, and Western Resources, Inc., the parent of KGE, are planning a merger under which a new company will be established, Westar Energy, Inc. At the completion of the merger, Westar Energy will be approximately 80 percent owned by Western Resources, and will have acquired the assets and liabilities of KGE and KCPL. Specifically, it is planned that Westar Energy will succeed to the rights and obligations of KGE and KCPL as owners and licensees of WCGS. Presently, KGE and KCPL each hold a 47% ownership interest in WCGS, with Kansas Electric Power Cooperative, Inc. (KEP) holding a 6% ownership interest. According to the application, WCNOC will continue to be the exclusive operator of WCGS following the proposed merger, while KEP's ownership interest will not change. In addition, no physical changes are being proposed to WCGS in connection with the proposed transfer of the interests of KGE and KCPL in the WCGS license to Westar Energy, and there will be no change in the management organization of WCNOC or the qualifications of its technical personnel. In addition to seeking approval of the transfer of the WCGS license, to the extent held by KGE and KCPL, to Westar Energy, the application requests amendment of the WCGS

license, for administrative purposes, to reflect the transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By March 1, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In

addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record.

Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated October 27, 1998, and supplement dated November 10, 1998, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms located at Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and at the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 25th day of January 1999.

For the Nuclear Regulatory Commission.

Chet Poslusny,

Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 99-2132 Filed 1-28-99; 8:45 am]

BILLING CODE 7590-01-P