

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-482]

**Wolf Creek Nuclear Operating Corporation; Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has denied part of a request by Wolf Creek Nuclear Operating Corporation (the licensee) for an amendment to Facility Operating License No. NPF-42 issued to the licensee for operation of the Wolf Creek Generating Station (WCGS), located in Coffey County, Kansas.

Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on July 26, 2000 (65 FR 46010).

The purpose of the licensee's amendment request was to revise Appendix C, "Antitrust Conditions for Kansas Gas and Electric Company [KGE]," for the WCGS operating license. The revisions (1) add a statement that the antitrust conditions do not restrict the rights of Kansas Electric Power Cooperative, Inc. (KEPCo) or the duties of Kansas Gas and Electric Company (KGE), that may exist beyond, and are not inconsistent with the antitrust conditions, (2) define "KGE members in licensee's service area" in the appendix to include all KEPCo members with facilities in Western Resources' and KGE's combined service area, (3) delete license conditions restricting KEPCo's use of the power from WCGS, (4) remove out-of-date conditions, and (5) update conditions to be consistent with the terms and conditions of Western Resources' Federal Energy Regulatory Commission (FERC) open access transmission tariff. Western Resources is the parent company of KGE.

The NRC staff has concluded that the licensee's proposed deletion of part of Antitrust Condition 2(a) that KGE shall offer an opportunity to participate in other nuclear generating unit(s) (other than WCGS) which KGE may construct, own, and operate, and the proposed deletion of references to Condition 2(a) in Appendix C cannot be granted. The basis for the NRC staff's denial and a more complete description of what part of Condition 2(a) cannot be granted, are documented in the safety evaluation dated September 6, 2002, that supported Amendment No. 147 that approved the remaining parts of the licensee's proposed amendment. The licensee was notified of the Commission's partial denial of the proposed change by letter dated September 6, 2002.

By 30 days from the date of publication of this notice in the **Federal Register**, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.<sup>1</sup>

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. Because of continuing disruptions in delivery to mail to U.S. Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov). A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and because of continuing disruptions in delivery of mail to U.S. Government offices, it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of any petitions should also be sent to Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see (1) the application for

<sup>1</sup> "The most recent version of Title 10 of the Code of Federal Regulations, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714(d) and subparagraphs (d)(1) and (2), regarding petitions to intervene and contentions. Those provisions are extant and still applicable to petitions to intervene. Those provisions are as follows: "In all other circumstances, such ruling body or officer shall, in ruling on—

(1) A petition for leave to intervene or a request for hearing, consider the following factors, among other things:

(i) The nature of the petitioner's right under the Act to be made a party to the proceeding.

(ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.

(iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

(2) The admissibility of a contention, refuse to admit a contention if:

(i) The contention and supporting material fail to satisfy the requirements of paragraph (b)(2) of this section; or

(ii) The contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief."

amendment dated June 27, 2000, and its supplements dated January 31, 2001, May 2, 2001, October 30, 2001, and May 10, 2002, and (2) the Commission's letter to the licensee dated September 6, 2002.

Documents may be examined, and/or copied for a fee, at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System's Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 6th day of September 2002.

For the Nuclear Regulatory Commission.

**William H. Ruland,**

*Director, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 02-23463 Filed 9-13-02; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-338, 50-339, 50-280, 50-281, 72-16 and 72-2]

**North Anna Power Station, Units 1 and 2 and Surry Power Station, Units 1 and 2, North Anna and Surry Independent Spent Fuel Storage Installations; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 40, Section 40.64(b) for Facility Operating License Nos. NPF-4, NPF-7, DPR-32, and DPR-37, issued to Virginia Electric and Power Company (the licensee) for operation of the North Anna and Surry Power Stations, Units 1 and 2, and Special Nuclear Material License Nos. SNM-2507 and SNM-2501 for the Independent Spent Fuel Storage Installations (ISFSIs) at the North Anna and Surry Power Stations, respectively. As required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

**Environmental Assessment***Identification of the Proposed Action*

The proposed action is an exemption from the reporting requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 40, Section 40.64(b) regarding the schedule for reporting foreign origin material inventory. The proposed exemption would allow the licensee to change the schedule for reporting its foreign origin source material inventory. Instead of reporting within 30 days after September 30 each year, the licensee proposes to submit a statement of their foreign origin source material inventory once each year concurrently with submittal of their material status report.

The proposed action is in accordance with the licensee's application for an exemption dated November 5, 2001.

*The Need for the Proposed Action*

The proposed action will enable the licensee to make more effective use of its human resources. Utilities generally schedule refueling outages to occur during seasons of lower demand for electric power, *i.e.*, fall and spring. Currently, the September 30 reporting schedule for foreign origin material inventory competes with refueling outages for human resources. Changing the reporting schedule will free up resources to assist with refueling outages.

*Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that the proposed action involves an administrative activity (a schedular change in reporting foreign origin material inventory) unrelated to plant operations.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental

impacts associated with the proposed action.

*Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statements for the Surry and North Anna facilities.

*Agencies and Persons Consulted*

On July 18, 2002, the staff consulted with the Virginia State official, Les Foldesi, of the Virginia Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

**Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 5, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 10th day of September 2002.

For the Nuclear Regulatory Commission.

**Herbert N. Berkow,**

*Director, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

**SECURITIES AND EXCHANGE COMMISSION****Sunshine Act Meeting**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [67 FR 57255, September 9, 2002]

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Thursday, September 12, 2002 at 4 p.m.

**CHANGE IN THE MEETING:** Additional item.

The following item has been added to the Closed Meeting scheduled for Thursday, September 12, 2002 at 4 p.m. Institution of administrative proceedings of an enforcement nature

Commissioner Campos, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942-7070.

Dated: September 12, 2002.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-23662 Filed 9-12-02; 4:00 pm]

**BILLING CODE 8010-01-P**

**SECURITIES AND EXCHANGE COMMISSION****Sunshine Act Meeting**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 16, 2002:

A Closed Meeting will be held on Thursday, September 19, 2002, at 10 a.m., and an Open Meeting will be held on Thursday, September 19, 2002, at 3:30 p.m., in Room 1C30, the William O. Douglas Room.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (8), (9)(B) and