

which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the

petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a 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, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, D.C. 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing

Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 25, 1999, which is 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 room, located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Rockville, Maryland, this 2nd day of March 1999.

For the Nuclear Regulatory Commission.

M. Christopher Nolan,

Project Manager, Project Directorate IV-1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-5599 Filed 3-5-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482-LT]

Memorandum and Order

Commissioners

Shirley Ann Jackson, Chairman

Greta J. Dicus

Nils J. Diaz

Edward McGaffigan, Jr.

Jeffrey S. Merrifield

In the Matter of: Kansas Gas and Electric Co. Corp. *et al.*; (Wolf Creek Generating Station, Unit 1); CLI-99-05.

Before the Commission is a petition to intervene and request for hearing filed by the Kansas Electric Power Cooperative (KEPCo). Pursuant to our recently-promulgated Subpart M, 10 CFR 2.1300 *et seq.*, KEPCo challenges a proposed license transfer affecting the Wolf Creek Generating Station, a nuclear power reactor in which KEPCo owns a 6% interest. The license transfer would transfer the 47% ownership interests of the Kansas Gas and Electric Company (KGE) and the Kansas City Power and Light Company (KCPL) to a new company, Westar Energy. KEPCo's petition claims that the license transfer would have "serious adverse and anticompetitive effects" (p. 5), would result in "significant changes" in the competitive market (pp. 15-17), and therefore warrants an antitrust review under section 105c of the Atomic Energy Act, 42 U.S.C. 2135(c).

The NRC staff historically has performed a "significant changes" review in considering the antitrust aspects of certain kinds of license

transfers. However, the Commission intends to consider in this case whether to move away from the prior practice and to direct the NRC staff no longer to conduct significant changes reviews in license transfer cases, including the current case. The Commission expects to consider a number of factors, including its own resources and expertise, and its statutory mandate. The governing legislation, section 105c of the AEA, and its legislative history, do not appear to call for fresh Commission antitrust reviews after the initial construction permit and operating license stage. See *American Public Power Ass'n v. NRC*, 990 F.2d 1309, 1311-13 (D.C. Cir. 1993). See also 56 FR 64943, 64969-71 (Dec. 13, 1991). Moreover, with the passage of the Energy Policy Act of 1992, a sister federal agency, the Federal Energy Regulatory Commission (FERC), now has broad powers to order relief remedying anti-competitive situations. See 16 U.S.C. 824j-k.

Accordingly, prior to further considering KEPCo's request for a hearing on antitrust issues, we direct KEPCo, and the license transfer applicants (KGE and KCPL), to file briefs within fourteen days of this order. The briefs shall address one question only: whether as a matter of law or policy the Commission may and should eliminate all antitrust reviews in connection with license transfers and therefore terminate this adjudicatory proceeding forthwith. The briefs shall be provided to all other parties (by facsimile, e-mail or hand-delivery) on the filing date, and shall not exceed thirty pages per side (i.e., a total of thirty pages for KEPCo and a total of thirty pages for KGE and KCPL, combined). Each party may file reply briefs, not to exceed ten pages per side, within twenty-one days of the date of this order. No other pleadings in response to this order, or as authorized by Subpart M, shall be filed pending further order of the Commission.¹ The NRC staff shall not be a party to this proceeding.

It is so ordered.

Dated at Rockville, Maryland, this 2nd day of March, 1999.

¹ The Commission will accept *amicus curiae* briefs by any interested person or entity, so long as the brief is filed by March 31, 1999. No *amicus* brief shall exceed twenty pages. We are posting this order on the NRC's web site, publishing it in the **Federal Register**, and also sending copies to the United States Department of Justice, the Federal Energy Regulatory Commission, the Nuclear Energy Institute, the American Public Power Association, and the National Rural Electric Cooperative Association.

For the Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99-5593 Filed 3-5-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 and 50-446]

Texas Utilities Electric Co.; Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Issuance of Amendment to Facility Operating Licenses

The United States Nuclear Regulatory Commission (Commission) has issued Amendment No. 64 to Facility Operating Licenses Nos. NPF-87 and NPF-89, issued to TU Electric (the licensee) for operation of the Comanche Peak Steam Electric Station, Units 1 and 2, (CPSES) located in Somervell County, Texas.

The amendment is effective as of the date of issuance and shall be implemented within 180 days of the issuance of the amendment. The implementation of the amendment includes the two license conditions which are being added to Appendix D of the licenses as part of the amendment.

The amendment replaces, in its entirety, the current Technical Specifications (TS) with a set of improved TS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995, including all approved changes to the standard TS; the Commission's Final Policy Statement, "NRC Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132); and 10 CFR 50.36, "Technical Specifications," as amended July 19, 1995 (60 FR 36953). In addition, the amendment adds two license conditions to the newly-created Appendix D of the operating licenses that require (1) the relocation of previous TS requirements into license-controlled documents and (2) the first performance of new and revised surveillance requirements for the improved TS to be related to the implementation date for the improved TS. The implementation of the amendment and the license conditions will be completed no later than 180 days after the date of the amendment, as stated in the amendment.

The application for the amendment, as supplemented, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended

(the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on January 27, 1999, (64 FR 4148). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and has determined not to prepare an environmental impact statement related to the action to convert the current TS to the improved TS. Based on the Environmental Assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment beyond that described in the Final Environmental Statement (FES) related to the operation of CPSES (NUREG-0775) dated September 1981. The Environmental Assessment was published in the **Federal Register** on February 12, 1999 (64 FR 7214).

For further details with respect to the amendment see (1) the application for amendment dated May 15, 1997, as supplemented by letters in 1998 dated June 26, August 5, August 28, September 24, October 21, October 23, November 24 (2 letters), December 11, December 17, and December 18, and 7 letters in 1999 dated January 5, February 3 (3 letters), February 16, and February 23 (2 letters), and (2) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Dated at Rockville, Maryland, this 26th day of February, 1999.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Project Directorate IV-1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-5596 Filed 3-5-99; 8:45 am]

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